



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 118th CONGRESS, FIRST SESSION

Vol. 169

WASHINGTON, TUESDAY, MARCH 28, 2023

No. 56

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mrs. MURRAY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we stand in awe of You. Lord, when babies die at a church school, it is time for us to move beyond thoughts and prayers. Remind our lawmakers of the words of the British statesman Edmund Burke: All that is necessary for evil to triumph is for good people to do nothing.

Lord, deliver our Senators from the paralysis of analysis that waits for the miraculous. Use them to battle the demonic forces that seek to engulf us.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

REPEALING THE AUTHORIZATIONS FOR USE OF MILITARY FORCE AGAINST IRAQ—Resumed

The PRESIDENT pro tempore. Under the previous order, the Senate will re-

sume consideration of S. 316, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (S. 316) to repeal the authorizations for use of military force against Iraq.

Pending:

Schumer amendment No. 15, to add an effective date.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. WARNOCK. Madam President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNOCK). Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

S. 316

Mr. SCHUMER. Mr. President, yesterday, by a large bipartisan vote of 65 to 28, the Senate invoked cloture on legislation repealing the Iraq AUMFs of 2002 and 1991. We will continue voting on amendments over the course of today, and Members should expect the final passage on repealing the Iraq AUMFs as soon as tomorrow.

I want to thank both sides of the aisle for their cooperation and bipartisanship. This has been a reasonable process here on the floor, with votes on amendments brought forth by our Republican colleagues. I hope this process can serve as a blueprint for how the Senate can work into the future and in the next few months for sure. We will have amendments without being dilatory. We will have debate without bogging down the process. We will look for opportunities to advance bipartisan bills as we did over the past 2 years.

So, again, I hope this AUMF portends good things to come. I hope it can

serve as a blueprint for how the Senate can work in this session of Congress as we work together to make our country a better place.

I want to thank Senators Kaine and Young, Chairman Menendez, and all of the cosponsors of this legislation for their good work.

WOMEN'S HEALTHCARE

But, unfortunately, there are disturbing trends here in the Senate, and one of the most disturbing is what the Senator from Alabama is doing to weaken our national security. For a long time, both parties have worked together to quickly confirm the routine promotions of generals and flag officers without partisan bickering, without needless delay. Confirming military promotions is one of the most important responsibilities of the Senate—a charge that rises far above normal political fights. But, today, one Member—one Member, the Senator from Alabama—is blocking the routine promotions of 160 generals and flag officers because he objects to women within the military getting access to reproductive care.

It is very simple. The senior Senator from Alabama wants to make the healthcare decisions for the women of our military, and the Senator from Alabama is holding up scores of military nominees, who have not done anything to be treated this way, until he gets his way.

The women of our military are more than capable of making their own decisions when it comes to their health. They do not need the senior Senator from Alabama making decisions on their behalf, and they certainly do not need any Senator throwing a wrench in the functioning—the vital functioning—of our military when they, our military, work every day to keep us safe.

So the Senator from Alabama risks permanently injecting politics into the confirmations of routine military promotions. The Senator from Alabama

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S975

risks permanently injecting politics into the confirmations of routine military promotions. And that would risk our entire national security. For what? So he can push the MAGA hard line on blocking women's choice, which is something that most women in this country—that most people in this country—reject? That is beyond the pale.

Now, let's be clear. The Senator from Alabama's delay of 160 routine military promotions is reckless. It puts Americans' security in jeopardy. The 160 nominees who are on hold, all of whom have worked to earn their promotions and all of whom we need to protect our security, include 5 three-star generals, commanders for the U.S. naval forces in the Pacific and Middle East—leaders who are confronting the likes of China and Iran—and the U.S. Military Representative to the NATO Military Committee, which is especially important right now as Russia continues its war in Ukraine.

So let me say it again. This level of obstruction of routine military promotions is a reckless departure from the Senate norm. None of us want to live in a world where military appointments get routinely politicized, and that is just what the Senator from Alabama is doing. He is inflicting unnecessary damage to our military leadership. It would paralyze the Senate if all of us had to take one rollcall vote after another just to confirm routine, apolitical, qualified generals and other flag officers.

I know that Members of both sides of the aisle feel passionately at times about certain issues. We all do. But if every one of us went to the floor and said that we are holding up every general, every admiral, every flag officer until we get our way, our military would come crashing down, would be in shambles, and our national security would be in jeopardy. But that is just what the Senator from Alabama is doing. The obstruction is dangerous—dangerous—for our national security.

I urge my colleague from Alabama to think about it. Why shouldn't a Member on this side block military appointments? Why shouldn't any other Member on that side on things they believe in just as passionately as he believes in his issue of choice? The proper place to take it up is on the floor of the Senate and the House as a legislative proposal, not as hostage-taking and taking hostage of our generals and admirals and people who deserve a promotion.

I urge my colleagues, my Republican colleagues on the other side, to speak out and to certainly speak to the Senator from Alabama and tell him how reckless this is. Several of my colleagues on the other side of the aisle, to their everlasting credit, have voiced their concerns with the Senator from Alabama's action. Our colleagues, our Republican leadership, should convince him to stand down and let these military promotions go through.

DEBT CEILING

Mr. President, now on the debt ceiling, this morning, Speaker MCCARTHY stated in an interview that he sent a letter to President Biden demanding the two sit down to talk about the debt ceiling. He has been saying that for a very long time, but for a very long time, he has not shown us any plan.

To date, Speaker MCCARTHY has failed to unite his conference behind a single proposal that can win 218 votes. We are hearing a lot of contradictions and U-turns by the Republican caucus in the House and lots of outlandish proposals that would harm a lot of Americans, but as far as a plan goes, the Republican leadership still has none. When the Speaker is asked about specifics for his plan, all we get is crickets. All we get is crickets.

Republicans have been flailing. One day there is a term sheet. Then there is having a budget. Then there is not having a budget. Now there is a supposed amorphous \$4 trillion number. But the only thing missing is a real plan. You can't just pick a number out of the sky and say this is a plan. Of course it is not. You can't just put a number on the floor of the House and try to get it to pass.

So when Speaker MCCARTHY points fingers at Democrats, all he is doing is deflecting from problems he has in his own conference—that those on the MAGA right want to pull one way and those who are more mainstream want to pull another way, and he can't bring the two of them together.

Speaker MCCARTHY says he wants to sit down with the President, but if he comes to the President's office with no specific plan, no specific details about what the Republicans want to cut, what are they going to talk about? The weather? If the two sit down, the Speaker would have nothing to say because for 3 months he has been missing the one thing that he needs most: an initial plan that can unite 218 votes.

We Democrats have had a plan—House, Senate Democrats. Pass it without brinkmanship, without hostage-taking. Do what we have done under President Trump and President Biden in the past when we have reached the limit of the debt ceiling.

We say to Speaker MCCARTHY: Where is your plan? If the two were to sit down, the Speaker would have nothing to say because for 3 months he has been missing an initial plan that can unite 218 votes.

During today's interview, the Speaker also claimed multiple times that his party is considering \$4 trillion in cuts.

Great. Fill out the specifics, where the \$4 trillion exactly comes from. Put it on the floor, Mr. Speaker. Show us the plan. Have a vote. We need specifics. You can't say you are for \$4 trillion in cuts if you can't point to specifics.

If the Speaker truly has a proposal, he should lay it out. This isn't about some amorphous, vague number; it is about having a plan. This is the central

problem with Speaker MCCARTHY's approach. It is not even possible to meet with the President and have a true meeting if he can't guarantee he will keep his conference together.

That is why Republicans should drop their brinkmanship, drop the hostage-taking, work with Democrats on a clean, bipartisan extension of the debt ceiling, and remove this cloud that is hanging over our economy that is imposed by Speaker MCCARTHY's brinkmanship.

LOWER ENERGY COSTS ACT

Mr. President, on H.R. 1, the House is expected to vote this week on Republicans' partisan, unserious, so-called energy package they call H.R. 1. All it takes is a brief glance at H.R. 1 to realize it is just a big giveaway to Big Oil, pretending to be an energy package.

House Republicans' so-called energy package would gut important environmental safeguards on fossil fuel projects. It would lock America into expensive, erratic, and dirty energy sources while setting us back more than a decade on our transition to clean energy.

Everyone admits we have to do something about the carbon that is causing global warming. We have seen all the changes that it has caused all across the country. And they want to move back 10 years at the behest of Big Oil?

It is a plan that has no support with the American people—very little—the oil interests, yes, but just about nobody else. It falls woefully short on long-overdue and much needed reforms for accelerating the construction of transmission to bring clean energy projects online. Transmission is hugely important to increasing access to clean energy, but the Republican plan falls woefully short on this front as well.

I want to make clear that H.R. 1 is dead on arrival in the Senate. It is another exercise. You can go back to the MAGA supporters back home, the big oil companies you are walking in lockstep with, and say: See, we put this on the floor, but it is not going to get anything done.

We are not going to waste our time on a bill that sets America back decades in our transition to clean energy.

A serious clean energy package would help ease America's transition to clean energy while ensuring that clean energy is reliable, accessible, and most importantly, affordable.

Fortunately, many Democrats and Republicans understand that we need a bipartisan, bicameral approach to produce a serious energy package. Everyone knows there is going to have to be give on both sides to get it done. We on our side will continue working in good faith on real permitting reform talks.

But, House Republicans, H.R. 1 is, very simply put, a nonstarter.

STUDENT LOANS

Mr. President, on the student debt CRA, yesterday, Republicans introduced legislation that would end the pause on payments and overturn President Biden's historic student loan debt

relief program, denying the millions of Americans with student debt the critical relief they need.

Republicans talk a big game about helping working families, but they are once again showing how callous and uncaring they are by blocking that relief that would immediately improve the lives of millions of families burdened with student debt.

Republicans call President Biden's plan a "giveaway to high earners." That is just false. That is just malicious. That is just nasty. Under President Biden's plan, nearly 90 percent of relief dollars would go to out-of-school borrowers making less than \$75,000 a year.

Republicans, look at the facts. Let me repeat it. Under President Biden's plan, 90 percent—nearly 90 percent of debt relief dollars would go to out-of-school borrowers making less than \$75,000 a year.

Under President Biden's plan, no one in the top 5 percent of incomes will receive a penny in debt relief. President Biden's plan is not a giveaway to high earners. In fact, there are a lot of very, very wealthy people who never want to see the government help anybody except themselves who seem to push this idea of getting rid of the President's plan.

President Biden's plan is a ladder up to the middle class for millions of Americans who need it most. Rather than help the privileged few, the Biden plan would benefit students of color, poor Americans, children of immigrants, and working and middle-class families across the country. These are the Americans who bear the brunt of the student debt crisis. They are the ones hurt by Republican legislation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE FOREIGN POLICY

Mr. THUNE. Mr. President, providing for the common defense is one of the core responsibilities of the Federal Government. It is, in fact, a primary reason why the Federal Government exists. In fact, the Constitution states:

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion.

So how do we do that? How do we protect our Nation and ensure that Americans can live in peace and safety? The answer can be summed up in one word: "strength."

As Ronald Reagan said, "We know only too well that war comes not when the forces of freedom are strong, but when they are weak. It is then that tyrants are tempted." Or to put it in the words of another President, our first,

speaking 200 years earlier, "To be prepared for war is one of the most effectual means of preserving peace." That is from President George Washington.

We secure peace by maintaining our strength. So what does that mean in practice? At its most basic level, of course, it means maintaining a strong military and national intelligence apparatus. It means ensuring that our military is well-funded, sufficiently manned, and fully equipped to meet current and future threats. Unfortunately, we are not doing the best job at that right now.

We have military services that are struggling to meet recruiting targets. There is a persistent pilot shortage, and in a number of cases, we have too few mission-capable aircraft. Under the President's budget, Navy ships would be retired faster than we can replace them in our limited shipyards. Wargaming analysis suggests we would run out of certain long-range and precision munitions in conflicts with a great power much sooner than any American should be comfortable with. On top of that, last month, the spectacle of a Chinese spy balloon flying over U.S. military bases made it clear that there has been an alarming gap in NORAD's—the North American Aerospace Defense Command—monitoring of U.S. airspace.

Our current situation isn't being helped by the fact that the President is deemphasizing investment in our military. The budget he just introduced for next year requests a massive hike in nondefense spending compared to a mere 3.2-percent increase for defense.

In fact, the supposed increase in defense spending isn't really an increase at all. The increase the President is proposing fails to keep pace with current levels of inflation, which means that his defense spending hike is really a defense spending cut—and not for the first time.

In November of 2018, the bipartisan National Defense Strategy Commission released a report warning that our readiness had eroded to the point where we might struggle to win a war against a major power like Russia or China. The Commission noted that we would be especially vulnerable if we were ever called on to fight a war on two fronts.

We have made some progress since then, but we are definitely not there yet. We have to make continued investment in our military and our readiness a priority. We need to be prepared to meet any threat because that will allow us to deter almost any threat.

Reducing investment in our military—as the President has proposed—would leave us in a situation where we could have difficulty defending our Nation or our Nation's interests if attacked.

It is worth noting, too, that while the President deemphasizes funding for our military, hostile powers are not doing the same.

China recently announced that it is increasing its defense budget by 7.2 per-

cent this year, after increasing it 7.1 percent last year.

We need to continue to reinvest in our military, address recruitment challenges, and ensure that our men and women in uniform—and our intelligence personnel—have what they need to meet and deter the threats of the 21st century.

The most basic requirement of national strength is a strong military. And that isn't the only requirement. Investment in our military and national security apparatus needs to be accompanied by commitments to border security, energy security, and more. Border security—and here, I am talking not just about physical security at our borders but also enforcement of our immigration laws—is an essential part of keeping our Nation secure.

Porous borders—or lax immigration enforcement that allows things like visa overstays—are an invitation to criminals, terrorists, and others who would seek to harm our country.

The fact that 16 individuals on the terror watch list were apprehended attempting to cross our southern border illegally in February alone should be all the reminder we need that people who do not wish us well are seeking to enter our country.

And we need to ensure that we are enforcing our immigration laws and maintaining our borders to stop them.

I also referenced energy security as a component of national strength and security.

What does energy security mean? It means developing our domestic energy resources—both conventional and renewable—to ensure a stable and reliable supply of energy that does not depend on imports from hostile countries.

The energy challenges and soaring costs countries like Germany have faced over the past year owing to their heavy reliance on Russian energy are a timely reminder of the importance of developing domestic energy supplies.

Depending on imports from hostile nations or unstable regions not only enriches those nations, it places us in a position of vulnerability.

So far, I have talked about what we should be doing domestically to build the kind of strength that will protect our Nation and deter aggressors. But security is not just a matter of working at home to strengthen our military and secure our borders. We also need to engage globally—to build relationships with allies, support free nations, and stand against hostile actions by hostile countries.

Now, standing against hostile actions or hostile nations doesn't mean fixing every country's problems or getting militarily involved in every conflict around the globe. We are not—and cannot be—police officer to the world.

But an isolationism that would recede from any world event unless it directly and immediately affects us is dangerous and contrary to our national security interests because sooner or

later, world events—particularly those that involve powerful and hostile nations—do affect us.

We ignore the importance of security challenges, like Ukraine, at our peril. Putin is already making it clear his ambitions don't end with Ukraine. He is also occupying territory in Georgia and, seemingly, working on asserting Russian influence in Moldova and the Balkans.

A Putin victorious in Ukraine would be on the doorstep of four former Soviet satellite states—now NATO members whom we are bound by treaty to protect—and he would likely be emboldened. War could spread, which would compound the existing humanitarian catastrophe cost, cost U.S. lives, and spell economic disaster not only for European countries but for the United States, which trades heavily with Europe.

For the sake of our own security, we cannot afford to sit by and ignore the Ukrainian conflict. Helping Ukraine fight its fight degrades Russia's capability and helps ensure that the United States and NATO troops won't have to fight a war with Russia. And it sends a clear message to Russia and other nations with imperial ambitions that aggression will not go unanswered away.

I would also note that along with isolationism, we need to be wary of the tendency to focus on one global threat to the exclusion of others. China, which is flexing its military and economic power and threatening the safety of Taiwan, should rightly be a major focus right now.

But it cannot be the only one. For those who, for example, contend that U.S. support for Ukraine is a distraction from the threat that China represents, I would argue that the outcome in Ukraine and upholding Ukraine's sovereignty has significant implications for China and Taiwan.

It appears Japanese Prime Minister Kishida would agree, as he traveled to Kyiv 1 week ago—a trip not undertaken lightly given that Japan is neighbors with Russia, China, and North Korea.

We know that Chinese leader Xi Jinping is watching the West's response to the war in Ukraine closely. And our support—and NATO's support—of Ukraine can send a powerful message to General Secretary Xi that he should think twice before making any move across the Taiwan Strait.

In addition to confronting the dangers posed by great powers, we also need to continue to maintain focus on threats in the Middle East and Africa, including ISIS and Iran and their proxies.

In the past week, there have been multiple strikes on American forces in Syria, with attacks tracing back to Iran-backed militia groups. And we need to continue to make it clear that hostile action against Americans—like last week's attacks—will not be tolerated.

Iran is fomenting unrest in the Middle East, moving closer to enriching

weapons-grade uranium, and sending drones to Russia to support its war on Ukraine. Meanwhile, it is looking likely that Russia will supply Iran with modern fighter jets, making Iran an even more deadly presence in the Middle East.

We cannot afford to ignore Iran any more than we can ignore China, Russia, or any other serious threat to peace and stability. We need to remain engaged on the global stage—always pursuing peace but always ready to respond to those who would jeopardize it.

Above all, we can't be afraid to call evil by its name. Ronald Reagan never declared war on the Soviet Union. But he helped bring down the Evil Empire, in part, by not being afraid to speak with moral clarity.

There will always be threats to peace and security. And it must be our job to ensure that the United States always has the strength to meet them. There is no surer way of preserving the peace or protecting the heritage of freedom that we have been given.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PADILLA). Without objection, it is so ordered.

SOIL ACT

Mr. LANKFORD. Mr. President, I wanted to be able to come back to the floor to talk about the SOIL Act. The SOIL Act is a bill that I introduced last year that deals with Chinese ownership of land in the United States.

Since I have introduced this bill, several of my colleagues here in this room have also introduced other bills that are similar to it. Good. That means people are paying attention to this and the conversation is starting. I am all for as many ideas as we can get out here on how to be able to solve this because the most basic principle that we have right now is, if we miss an obvious trend that is happening here, it is to our economic peril.

This chart has just a very simple number on it. In 2020, Chinese entities owned almost 200,000 acres of land in the United States. One year later, they are at almost 400,000 acres in the United States—in 1 year. This is from 2020 to 2021. This trend is happening all over the country, and we are certainly seeing it in my State of Oklahoma.

When I travel around my State, I hear people talk about the border; I hear people talk about the economy; and I often will hear people say: Hey, there is a lot of foreign ownership going into land right now in Oklahoma, and it is dramatically affecting the price of real estate, the price of agricultural land but also what is happening on that land.

Now, my State may be a little bit different than some others or it may be

that the same thing is happening in your State.

About half a decade ago, my State did medical marijuana legalization. It was a decision of the voters of my State to be able to say they want to get access to medical marijuana for those who need it. The problem is that Chinese entities and Chinese criminal organizations and Mexican cartels immediately flooded the market in our State, and we have seen a rapid rise in marijuana in our State, much of it done in the illegal market. It is not just happening for the “medical” side in our State; it is being distributed all over the country from my State.

Just a few months ago, I was looking on different worldwide news sources and was shocked to see in the BBC News headlines for that day a story about my State on the global news headlines about a group of Chinese nationals who were shot execution-style in a grow operation in Oklahoma. The individual who executed them was on the run and then was arrested in Florida a couple of days later. He was also a Chinese national.

Chinese criminal organizations have moved into my State in mass numbers. The year after marijuana was legalized in my State for “medical” purposes, we had more land sales to foreign entities in Oklahoma than any other State in America as Chinese criminal organizations and Mexican cartels immediately moved in to be able to set up shop in distribution nationwide.

Many people said they didn't think it was legal for foreign entities to be able to own land in the United States. Well, there is a gap, actually, in our law. It is an issue that I want us to be able to deal with on how we are going to challenge this issue.

Let me give you just another perspective beyond just the Chinese side of things—another perspective on this. Ten years ago, 321,000 acres in Oklahoma were owned by a foreign entity—10 years ago. Today, it is 1.67 million acres in my State are owned by a foreign entity—from 321,000 to 1.67 million acres. There is a rapid transition that is happening. Foreign entities are rapidly buying up land. I will tell you, if you are a farmer and rancher, they would say, you know, there are some things God is just not making more of, and one of them is land. You can't just give that up.

This is a problem. It is a problem nationally. It is not just a problem in the marijuana industry; it is a problem nationally. It is a problem dealing, quite frankly, with our national security. We currently have a 1-mile buffer around all of our military installations that you can't own land if you are a foreign entity within 1 mile around our military installations. We now believe that is not nearly enough.

Quite frankly, foreign nationals from many countries like China are buying up the land around our critical infrastructure, around our telecom infrastructure, around military bases,

around government offices. They are not buying it because they are looking for another place to invest. They are buying it to set up shop for their own operations and their own spying and their own control of our economy. We should pay attention to this.

As we deal with different entities, like data or healthcare entities, they have to go through a process. It is called the CFIUS process. It is that process, the Committee on Foreign Investment in the United States—the abbreviation you will hear for Committee on Foreign Investment in the United States is CFIUS. That process includes entities like the Treasury, Commerce, Defense, the intelligence community—they all have to be involved if a foreign entity wants to be able to buy, let's say, a telecom company or they want to buy a lot of big data around a hospital, whatever it may be. It has to go through that process on that.

Agricultural land is not in that though. There is no review for that. So there is no prioritization for foreign investment of our land, even where it is, so this has become an “out of sight, out of mind” issue.

The bill that I have called the SOIL Act does a mandatory review of CFIUS of that process—the Committee on Foreign Investment in the United States—for agricultural land and the entity. That is in two categories: if they are a national security threat—that country is a national security threat—or they are what is called a nonmarket economy.

Let me explain what those two things are. The national security threat is pretty straightforward. That is China, Russia, Iran, and North Korea. If China, Russia, Iran, or North Korea want to buy land around the edge of one of our military bases, right outside that 1-mile buffer, if they want to buy lots of land around our infrastructure or telecom, it is not for our good. We should have a review of that.

The second thing is a nonmarket economy. This is an economy that is run by the government, not by private business.

Again, China would fall squarely into this as a communist nation. You cannot run an investment business—especially a foreign entity outside of China—without it running through the Communist Party in China, so they are a nonmarket economy.

One of the most basic parts about this is, if you are going to buy any kind of land in the United States and you are from one of those countries that is a nonmarket economy or that is a national security threat, we should have a mandatory review of that so they could actually do that kind of purchase. But we just want to know why, where, how much, what is the purpose of this, and we can ask those practical questions of it.

The SOIL Act that I have also tries to close some of the loopholes that are in our Federal law. Let me talk through a couple of those. Currently,

we have a foreign entity—let's say a Chinese entity—that is doing an ag purpose there, they would still be available for agricultural subsidies in the United States. Well, that needs to be closed.

We shouldn't do agricultural subsidies for any entity that is a foreign entity coming into the United States doing investment, so it closes that loophole. It closes all of the disclosure loopholes dealing with agricultural landholdings.

Right now if you have a landholding that is around 10 acres, then you don't have to disclose it. Well, a lot of these operations are less than 10 acres, and there is a lot that you can do on 10 acres if that 10 acres also happens to be right on our critical infrastructure, right on our telecom, or maybe it is also doing a criminal operation.

Also this deals with issues of long-term leases. Entities would come in and say, well, we are not really buying the land, we are just doing a 99-year lease. Well, that is the equivalent of actually owning the land, and so it gets around that loophole.

It also beefs up our enforcement for those who violate our foreign investment laws. It also requires annual reporting, for China and Russia in particular.

Listen, I am not trying to stop foreign investments into the country. If BMW wants to be able to come do manufacturing here in the United States for their cars or Nissan or any number of manufacturing products that are here from all over the world, they are welcome to be here. They are welcome to do foreign investment.

But when Iran is buying up a big chunk of land, we should ask the question why they are doing that. And, currently, we don't even have a process to do that. When China is snapping up land by the hundreds of thousands of acres, we should ask the question: Why is China buying hundreds of thousands of acres of American land all of a sudden? What is the goal?

We should ask that question; and, currently, we don't have a process to do that. So let's fix that. The SOIL Act gets on top of that issue and says we see the trend. Let's not just watch this go sideways; let's actually engage. And let's protect our national security, and let's protect our national interest.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAWLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COVENANT SCHOOL SHOOTING

Mr. HAWLEY. Mr. President, yesterday the Nation witnessed a murderous rampage at an elementary school, a small Christian school in Nashville, TN. Tragically, three small children, 9

years old, lost their lives; three employees of this school lost their lives. And even as I am on this floor now, Nashville police are releasing the body cam footage of the officers who responded with heroic speed and heroic courage to the deranged individual who made her way into that school and was executing students and teachers one by one.

Those officers deserve to be praised; they deserve to be thanked; they deserve to be honored for what they did and for the lives that they saved.

We must also tell the truth about what happened yesterday in Nashville. This murderous rampage, this taking of innocent life was a horrific crime; but, more specifically, it was a hate crime. A crime that, according to Nashville police, specifically targeted—that is their word—targeted the members of this Christian community, the members of this religious institution, its students, its educators, its employees.

Let's be clear, Federal law prohibits the targeting of violence against any American on the basis of religious affiliation or religious practice or religious belief.

But that is, according to police, exactly what we saw happen yesterday. The members of this community were singled out because of their religious affiliation. And now, three young children are dead, and three educators are dead because of their affiliation with this religious institution, because of their beliefs, because of their work, because of their service. That is a crime under Federal law, and it must be treated as such.

Today I have called on the director of the FBI and the Secretary of Homeland Security to open a Federal investigation, a Federal hate crime investigation, into what happened in Nashville. We need the facts. We need to know about the premeditated crime. We need to know about what this shooter did and intended to do. We need to know about the influences. What kind of violent rhetoric motivated this shooter? Were there others involved?

This contagion of hateful rhetoric and violence must not be allowed to spread, and that is why we need all Federal resources, according to Federal law, devoted now on the ground in Nashville to get the facts and to stop the violence from spreading further.

And I call on this body, every Member of this body, to condemn, in the clearest of terms, this hate crime against this community in Nashville. Today, I will introduce a resolution explicitly condemning this massacre as the hate crime that it is and calling upon this body to condemn hateful rhetoric that leads to violence. Hateful rhetoric against religious believers, religious institutions, religious communities that leads to violence.

This isn't speculation; this is a tragic fact. It is happening before our eyes, and we must condemn it. And I would call on those corporate partners who

are so quick to weigh in on social issues, now, make your voice heard. Condemn this violence as the hate crime that it is. Stand with this community in Nashville. This is a time to be heard. This is a time to be clear about what has happened and is unfolding before our very eyes.

And let's just be crystal clear, rhetoric about days of vengeance and genocide, rhetoric directed against religious believers of whatever background—whether they are Presbyterians like the students and teachers and employees targeted yesterday or some other Christian affiliation or Orthodox Jews or Catholics or whatever the religious background—it is a crime under Federal law to target and commit acts of violence against Americans because of their religious beliefs, because of their religious affiliation, because of their religious practices.

This should not happen in the United States of America, and now we must act to see that it does not spread.

And so I hope the Senate will soon take up my resolution. I hope that every Member of this body will be clear about what has happened in Nashville and will be clear in standing against the violence, in standing against the hate, in standing against the rhetoric, in standing with this community that needs now our support, that needs now our encouragement and condolences, yes, but also needs our action.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 11

Mr. JOHNSON. Mr. President, last December, the World Health Assembly established an intergovernmental negotiating body to draft a new convention on pandemic prevention and preparedness.

At its fourth meeting last month, the negotiating body accepted a draft of this new convention that would give the World Health Organization broad new powers in managing future pandemics. If accepted, it would cement the World Health Organization at the center of a global system for managing future pandemics, and it would erode U.S. sovereignty.

Let me just list a few of the examples of some of the provisions of this draft—and I will call it a treaty. Currently, it would require a substantial new U.S. financial commitment to an international body without proportional voting power.

It would require the U.S. to give the World Health Organization 20 percent of vaccines and other pandemic-related products produced during future pandemics. It includes a heavy emphasis on the transfer of intellectual property rights to the World Health Organization.

It gives the World Health Organization a leading role in fighting misinformation and disinformation, and as the Twitter files reveal, that leads to censorship and the suppression and abridging of freedom of speech.

It also promotes a global one-health approach to healthcare, including harmonizing regulation under WHO guidance. The WHO has not earned this power—far from it. At a critical moment in late 2019 and early 2020, the WHO utterly failed to detect the emerging COVID-19 pandemic and delayed in forming its member states. Instead, it was kowtowing to Beijing.

Unfortunately, there are indications that the Biden administration is considering joining this new convention by executive agreement and avoiding the Senate. We should not let this happen. An agreement of such magnitude needs to be submitted to the Senate for advice and consent. This is not a partisan issue; this is about reclaiming the Senate's prerogatives on international agreement.

Mr. President, I call up my amendment No. 11 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. JOHNSON] proposes an amendment numbered 11.

The amendment is as follows:

(Purpose: To require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification)

At the end of the bill, add the following:

SEC. 3. ANY WORLD HEALTH AGENCY CONVENTION OR AGREEMENT OR OTHER INTERNATIONAL INSTRUMENT RESULTING FROM THE INTERNATIONAL NEGOTIATING BODY'S FINAL REPORT DEEMED TO BE A TREATY SUBJECT TO ADVICE AND CONSENT OF THE SENATE.

(a) **SHORT TITLE.**—This section may be cited as the “No WHO Pandemic Preparedness Treaty Without Senate Approval Act”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) On December 1, 2021, at the second special session of the World Health Assembly (referred to in this section as the “WHA”) decided—

(A) to establish an intergovernmental negotiating body (referred to in this section as the “INB”) to draft and negotiate a WHO convention (referred to in this section as the “Convention”), agreement, or other international instrument on pandemic prevention, preparedness, and response, with a view to adoption under article 19 or any other provision of the WHO Constitution; and

(B) that the INB shall submit a progress report to the Seventy-sixth WHA and a working draft of the convention for consideration by the Seventy-seventh WHA, which is scheduled to take place beginning on March 18, 2024.

(2) On February 24, March 14 and 15, and June 6 through 8 and 15 through 17, 2022, the INB held its inaugural meeting at which the Director-General proposed the following 5 themes to guide the INB's work in drafting the Convention:

(A) Building national, regional, and global capacities based on a whole-of-government and whole-of-society approach.

(B) Establishing global access and benefit sharing for all pathogens, and determining a global policy for the equitable production and distribution of countermeasures.

(C) Establishing robust systems and tools for pandemic preparedness and response.

(D) Establishing a long-term plan for sustainable financing to ensure support for global health threat management and response systems.

(E) Empowering WHO to fulfill its mandate as the directing and coordinating authority on international health work, including for pandemic preparedness and response.

(3) On July 18 through 22, 2022, the INB held its second meeting at which it agreed that the Convention would be adopted under article 19 of the WHO Constitution and legally binding on the parties.

(4) On December 5 through 7, 2022, the INB held its third meeting at which it accepted a conceptual zero draft of the Convention and agreed to prepare a zero draft for consideration at the INB's next meeting.

(5) In early January 2023, an initial draft of the Convention was sent to WHO member states in advance of its formal introduction at the fourth meeting of the INB. The draft includes broad and binding provisions, including rules governing parties' access to pathogen genomic sequences and how the products or benefits of such access are to be distributed.

(6) On February 27 through March 3, 2023, the INB held its fourth meeting at which it—

(A) formally agreed to the draft distributed in January as the basis for commencing negotiations; and

(B) established an April 14, 2023 deadline for member states to propose any changes to the text.

(7) Section 723.3 of title 11 of the Department of State's Foreign Affairs Manual states that when “determining whether any international agreement should be brought into force as a treaty or as an international agreement other than a treaty, the utmost care is to be exercised to avoid any invasion or compromise of the constitutional powers of the President, the Senate, and the Congress as a whole” and includes the following criteria to be considered when determining whether an international agreement should take the form of a treaty or an executive agreement:

(A) “The extent to which the agreement involves commitments or risks affecting the nation as a whole”.

(B) “Whether the agreement is intended to affect state laws”.

(C) “Whether the agreement can be given effect without the enactment of subsequent legislation by the Congress”.

(D) “Past U.S. practice as to similar agreements”.

(E) “The preference of the Congress as to a particular type of agreement”.

(F) “The degree of formality desired for an agreement”.

(G) “The proposed duration of the agreement, the need for prompt conclusion of an agreement, and the desirability of concluding a routine or short-term agreement”.

(H) “The general international practice as to similar agreements”.

(c) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) a significant segment of the American public is deeply skeptical of the World Health Organization, its leadership, and its independence from the pernicious political influence of certain member states, including the People's Republic of China;

(2) the Senate strongly prefers that any agreement related to pandemic prevention, preparedness, and response adopted by the World Health Assembly pursuant to the work of the INB be considered a treaty requiring the advice and consent of the Senate, with two-thirds of Senators concurring;

(3) the scope of the agreement which the INB has been tasked with drafting, as outlined by the Director-General, is so broad that any application of the factors referred

to in subsection (b)(11) will weigh strongly in favor of it being considered a treaty; and

(4) given the level of public distrust, any relevant new agreement by the World Health Assembly which cannot garner the two-thirds vote needed for Senate ratification should not be agreed to or implemented by the United States.

(d) **APPLICABILITY OF SENATE ADVICE AND CONSENT CONSTITUTIONAL REQUIREMENT.**—Notwithstanding any other provision of law, any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly pursuant to the recommendations, report, or work of the International Negotiating Body established by the second special session of the World Health Assembly is deemed to be a treaty that is subject to the requirements of article II, section 2, clause 2 of the Constitution of the United States, which requires the advice and consent of the Senate, with two-thirds of Senators concurring.

Mr. JOHNSON. Mr. President, this amendment is very simple, it declares any pandemic convention produced by the intergovernmental negotiating body to be a treaty requiring Senate advice and consent.

I had a similar amendment on the Iranian agreement a few years ago. It is far past time that the Members of this body reclaim our Constitutional authority at ratifying these incredibly serious treaties and no longer allow the administration to go ahead and negotiate agreements that can have a dramatic impact on our sovereignty and bypass the Senate entirely.

So, again, a very simple amendment, it would deem any amendment a treaty and require that it be ratified by the Senate, and I urge all my colleagues to support my amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise in opposition to the amendment, not because my colleague from Wisconsin is completely wrong about the need for WHO accountability. The facts he stated are facts that are troubling. But the bill that is on the floor is a bill to repeal the Iraq war authorizations of 1991 and 2002. The bill has nothing to do with global health or the WHO.

The Senate has not repealed a war authorization since 1971—52 years. This is a historic debate.

When we authorized the wars in Iraq, the Gulf war and the invasion of 2003, we did it in authorizations that didn't include extraneous amendments. The Senate deemed these important enough that other matters, even if they were important, were not added onto the declarations of war.

I strongly believe we should take up this repeal, keep it limited precisely to the question on the floor—should we repeal the Iraq war authorizations—and not add in extraneous matter, even if that matter has some merit.

And for that reason, I would ask my colleagues to vote against the amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, there is nothing in my amendment that

would harm what the Senator from Virginia tried to accomplish in repealing the authorization for use of military force. So my amendment can be accepted and have no impact whatsoever on the legislation before the floor or the body.

VOTE ON AMENDMENT NO. 11

The PRESIDING OFFICER. The question is on agreeing to amendment No. 11.

Mr. KAINE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. MCCONNELL).

The result was announced—yeas 47, nays 49, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—47

Barrasso	Fischer	Paul
Blackburn	Graham	Ricketts
Boozman	Grassley	Risch
Braun	Hagerty	Romney
Britt	Hawley	Rounds
Budd	Hoeben	Rubio
Capito	Hyde-Smith	Schmitt
Cassidy	Johnson	Scott (FL)
Collins	Kennedy	Scott (SC)
Cornyn	Lankford	Sullivan
Cotton	Lee	Thune
Cramer	Lummis	Tillis
Crapo	Marshall	Tuberville
Cruz	Moran	Vance
Daines	Mullin	Wicker
Ernst	Murkowski	

NAYS—49

Baldwin	Kaine	Schatz
Bennet	Kelly	Schumer
Blumenthal	King	Shaheen
Booker	Klobuchar	Sinema
Brown	Lujan	Smith
Cantwell	Manchin	Stabenow
Cardin	Markey	Tester
Carper	Menendez	Van Hollen
Casey	Merkley	Warner
Cortez Masto	Murphy	Warnock
Duckworth	Murray	Warren
Durbin	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden
Heinrich	Reed	Young
Hickenlooper	Rosen	
Hirono	Sanders	

NOT VOTING—4

Coons	Fetterman
Feinstein	McConnell

The PRESIDING OFFICER (Mr. HICKENLOOPER). On this vote, the yeas are 47, the nays are 49.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 11) was rejected.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. RICKETTS. Mr. President, I ask unanimous consent that there be up to 4 minutes of debate, equally divided, prior to the votes on the remaining amendments today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 30

Mr. RICKETTS. Mr. President, I call up my amendment No. 30 and ask that it be reported by number.

The senior assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. RICKETTS] proposes an amendment numbered 30.

The amendment is as follows:

(Purpose: To require a certification)

Amend section 2 to read as follows:

SEC. 2. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.

(a) **REPEAL.**—The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) is hereby repealed 30 days after the President certifies to Congress that Iraq, Israel, and other United States partners and allies in the region have been meaningfully consulted on the ramifications of repeal.

(b) **DESCRIPTION OF RISKS.**—The certification submitted under subsection (a) shall include a detailed description of how Iraq, Israel, and other United States partners and allies in the region perceive the risks and benefits of a repeal.

Mr. RICKETTS. This amendment is very simple. It is less than 150 words long. So I ask that you take some time to consider it.

What it does is ask the administration to check in with our allies in the Middle East—Iraq, Saudi Arabia, Israel, UAE—and let them know what we are doing with this amendment.

I agree in principle that we ought not let these things hang out there for 20 years, but I am concerned about the timing because, in my trip to the Middle East last month, what I heard from our allies is that it looks like we are withdrawing from the Middle East. And what that does is it emboldens Iran, it emboldens China, and it encourages our allies in the Middle East to start looking to hedge their bets from America and start, maybe, bringing in the Chinese as part of their security arrangements. And I think that is bad for our country, and, certainly, I think we can all agree we do not want China to be leading a world order here; that the United States is the best for providing peace and prosperity.

What this amendment does is just ask the administration to check in with our allies, issue a report back to Congress, and, in 30 days after Congress, then the AUMF would expire. So I just ask that everybody please consider that.

With that I yield back.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise in opposition to the amendment. I support the notion of dialogue, of course, with our strategic partners and allies, but the purpose of this AUMF repeal is for Congress to reclaim war powers and not outsource them to the Executive but also not outsource them to other nations.

When we passed the Iraq war authorization in 2002, there was no requirement that it only went into effect if we

then went out and had dialogue with other nations. Why would we declare war unilaterally but then say the only way to repeal it is following dialogue with other nations?

Our allies and partners are very aware of this bill. It has been on the floor for 2 years. There have been floor debates about it in the House. There have been two separate markups in the Senate Foreign Relations Committee. They are very aware of it.

All of us meet with Ambassadors. All of us meet with Parliamentarians. If nations in the region felt that there was any danger to this, they would have let us know. I will conclude and just say that the American Legion also strongly opposes this amendment. I would ask my colleagues to oppose it as well.

VOTE ON AMENDMENT NO. 30

The PRESIDING OFFICER. The question occurs on agreeing to the amendment.

Mr. RICKETTS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. MCCONNELL).

The result was announced—yeas 31, nays 65, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—31

Barrasso	Hagerty	Rounds
Blackburn	Hoeven	Rubio
Boozman	Hyde-Smith	Scott (FL)
Britt	Johnson	Scott (SC)
Capito	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Mullin	Tillis
Crapo	Ricketts	Tuberville
Ernst	Risch	Wicker
Fischer	Romney	
Graham	Rosen	

NAYS—65

Baldwin	Hawley	Paul
Bennet	Heinrich	Peters
Blumenthal	Hickenlooper	Reed
Booker	Hirono	Sanders
Braun	Kaine	Schatz
Brown	Kelly	Schmitt
Budd	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Lee	Sinema
Carper	Lujan	Smith
Casey	Lummis	Stabenow
Cassidy	Manchin	Tester
Collins	Markey	Van Hollen
Cortez Masto	Marshall	Vance
Cramer	Menendez	Warner
Cruz	Merkley	Warnock
Daines	Moran	Warren
Duckworth	Murkowski	Welch
Durbin	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Grassley	Ossoff	Young
Hassan	Padilla	

NOT VOTING—4

Coons	Fetterman
Feinstein	McConnell

(Mr. WARNOCK assumed the Chair.)

(Mr. HICKENLOOPER assumed the Chair.)

The PRESIDING OFFICER (Mr. LUJAN). On this vote, the yeas are 31, and the nays are 65.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 30) was rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 today.

Thereupon, the Senate, at 1:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. LUJAN).

REPEALING THE AUTHORIZATIONS FOR USE OF MILITARY FORCE AGAINST IRAQ—Continued

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 9

Mr. CRUZ. Mr. President, I call up my amendment No. 9, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Texas [Mr. CRUZ] proposes an amendment numbered 9.

The amendment is as follows:

(Purpose: To provide findings related to the President's constitutional authority to use military force to protect the United States and United States interests)

On page 2, line 3, strike "The Authorization" and insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) Article II of the United States Constitution empowers the President, as Commander-in-Chief, to direct the use of military force to protect the Nation from an attack or threat of imminent attack.

(2) This authority empowers the President to use force against forces of Iran, a state responsible for conducting and directing attacks against United States forces in the Middle East and to take actions for the purpose of ending Iran's escalation of attacks on, and threats to, United States interests.

(3) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) is not independently required to authorize the activities described in paragraphs (1) and (2).

(b) REPEAL.—The Authorization

Mr. CRUZ. Mr. President, there is no responsibility we have as Members of Congress more serious than protecting the men and women who defend this Nation. We are facing a national security crisis due to Joe Biden and his administration, which have repeatedly been unwilling to act against repeated hostilities from the nation of Iran. They have looked repeatedly for excuses to justify that inaction.

Now, I want to be clear. I am not where some Members of this body are who want to maintain this authorization for use of military force. I want to vote to repeal this authorization for use of military force. The Iraq war was a long time ago, and I believe the Iraq war was a mistake at the time it was fought. I would be enthusiastic about Congress reasserting its war-making and war-declaring power by repealing the AUMF.

But, at the same time, I don't want the repeal of the AUMF to be used as an excuse by the Biden administration to roll over and do nothing if and when Iran attacks and murders American soldiers, sailors, airmen, and marines in the Middle East. And this is not hypothetical.

Just last week, General Milley, the Chairman of the Joint Chiefs of Staff, testified before the House that from January 2021 until last week, there were 78 attacks against American forces in the Middle East by Iranian-linked fighters—78. The Biden administration responded 3 times; 75 of them went unresponded. Tragically, but predictably, appeasement doesn't work.

On Thursday morning, the CENTCOM Commander was testifying in front of the House. Here on the floor of the Senate, we were debating this very issue of the AUMF and Iranian aggression. We now know that, at 6:30 in the morning eastern time on Thursday, Iran attacked U.S. forces, murdered a U.S. citizen—a U.S. contractor—and wounded six other Americans. That happened at 6:30 in the morning eastern time on Thursday.

The Presiding Officer didn't know that on Thursday. I didn't know that on Thursday. None of us knew that on Thursday. Why? Because the Biden administration kept it a secret for 12 hours because they didn't want to tell the Senate, while we were debating this issue, that an American had just been murdered by Iran. That is disgraceful. The Presiding Officer should be angry about it; I should be angry about it.

My amendment is very simple. My amendment restates that under article II of the Constitution, the President has the authority to defend U.S. troops and to respond to Iranian aggression.

The opponent of this bill, my friend Senator KAINE, will speak shortly. What he said to the Senate Foreign Relations Committee was that the amendment is unnecessary; that article II already does that. Well, good. If it is unnecessary, then the Democrats ought to support my amendment and add it. Because I will tell you what it will get: If we add this amendment, I will vote yes on the AUMF repeal. If we don't add this amendment, I am a no.

Here is why: I don't want to give an excuse for the Biden administration, the next time Iran attacks, to do nothing. If it is unnecessary legally, it ought to be an easy give to say, "Let's add it, to be clear, that if you attack U.S. forces, the President has the authority to respond," because I don't

want the Biden administration using the repeal of the AUMF as an excuse for their weakness or as an excuse for their appeasement.

There are some in the political world who are in favor of unending wars. I am not one of them, but I am in favor of the United States defending our soldiers and sailors and airmen and marines.

Let me say this: I don't know if the amendment is going to get the votes or not to pass. I think we will get most of the Republicans, and I don't know if any Democrats will vote for it or not. But if this amendment is defeated and the Congress goes on to repeal the AUMF and Iran takes that as encouragement that the Biden administration will not retaliate, I believe the consequences will be lives lost. I believe we will be back on this floor with American soldiers and sailors and airmen and marines having lost their lives due to Iranian aggression because the Ayatollah believed the Biden administration would not respond. The Presiding Officer doesn't want to see that. I don't want to see that. I believe no Member of this body wants to see that.

If it is legally redundant, all the better to say: Let's send a message to the Ayatollah that if you attack American forces, the President—the Commander in Chief—has the authority to respond and defend American forces.

That is the No. 1 responsibility of every Member of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise in opposition to the amendment.

The bill that is on the floor is the effort to repeal authorizations for war against Iraq that were passed by this body in 1991 and 2002. These are not Iran authorizations. Iran and Iraq are not the same nation. The wars against Iraq are over, and we need to repeal these.

This morning, in the Armed Services Committee, we heard from General Austin. He talked about his visit to Iraq. He was there when we were fighting against them as an adversary. Now they are a strategic partner in the region against nonstate terrorists and against Iranian aggression. They are an ally and a partner.

Senator CRUZ's amendment does restate article II powers in part of the findings in a way that I don't find objectionable; but then in another part of the amendment, it goes on to authorize affirmative military action by the United States against the nation of Iran.

Iran is a bad actor and is getting worse—I don't disagree with that—but if what we need is a debate about a war authorization with Iran, we shouldn't do it on the basis of a 1-minute amendment offered on the floor of the Senate. That is how we got into this problem in the first place. The Iraq authorization in 2002 was considered in the Senate for

1 day, with no committee proceeding. There were five amendments in 1 day, and we went into a war that most would agree was one of the worst blunders strategically that this body has made. Let's not rush into a war authorization with Iran. If there needs to be military authorities to take offensive action against Iran, let's, at least, give it the dignity of a debate—a full debate—and not a 1-minute amendment vote.

Finally, this amendment is opposed by groups all over the political spectrum, from Concerned Veterans for America to the Friends Committee on National Legislation to the American Legion, because they don't think we should be rushing into war. Iran and its challenging activity and aggression warrant some significant attention, not a 1-minute amendment vote on a bill that it is not related to.

I urge opposition to the amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I respect my friend from Virginia, but he is mistaken. This amendment is not a new authorization for military force. It restates current law. The language in the finding is, word for word, the finding that President Trump put in place when he authorized the strike that took out General Soleimani.

After that strike against General Soleimani, I introduced an amendment on this floor to commend President Trump and the Armed Forces for taking out General Soleimani; and we voted on this, commending President Trump and our Armed Forces for taking out Soleimani. This is not breaking new ground. This is reiterating the proposition that the Commander in Chief has the authority to defend U.S. Armed Forces.

To my friend from Virginia, I would note, by the way, earlier last week, we voted on Senator GRAHAM's amendment that would have been a new authorization for use of military force. Many Senators voted against it. This is a much narrower amendment. This says if Iran attacks U.S. troops, the Commander in Chief can defend those troops. That is current law, but it is important for Iran to hear. It is important for our troops to hear. It is important for the Biden administration to hear.

Nowhere in my friend from Virginia's remarks did he dispute that Iran has attacked the United States 78 times in the last 2½ years and that the Biden administration has responded only three times. We owe our soldiers, sailors, airmen, and marines to have their backs.

I urge support of this amendment.

VOTE ON AMENDMENT NO. 9

The PRESIDING OFFICER. The question is on agreeing to Cruz amendment No. 9.

Mr. CRUZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. McCONNELL).

The yeas and nays resulted—yeas 41, nays 55, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—41

Barrasso	Ernst	Risch
Blackburn	Fischer	Romney
Boozman	Graham	Rosen
Braun	Hagerty	Rounds
Britt	Hoeben	Rubio
Budd	Hyde-Smith	Scott (FL)
Capito	Johnson	Scott (SC)
Cassidy	Kennedy	Sinema
Cornyn	Lankford	Sullivan
Cotton	Lummis	Thune
Cramer	Manchin	Tillis
Crapo	Marshall	Tuberville
Cruz	Mullin	Wicker
Daines	Ricketts	

NAYS—55

Baldwin	Hirono	Sanders
Bennet	Kaine	Schatz
Blumenthal	Kelly	Schmitt
Booker	King	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Lee	Smith
Cardin	Lujan	Stabenow
Carper	Markey	Tester
Casey	Menendez	Van Hollen
Collins	Merkley	Vance
Cortez Masto	Moran	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Warren
Gillibrand	Murray	Welch
Grassley	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Hawley	Paul	Young
Heinrich	Peters	
Hickenlooper	Reed	

NOT VOTING—4

Coons	Fetterman
Feinstein	McConnell

The PRESIDING OFFICER (Mr. WELCH). On this vote, the yeas are 41, the nays are 55.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 9) was rejected.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 33

Mr. SULLIVAN. Mr. President, I call up my amendment No. 33 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The legislative clerk read as follows:

The Senator from Alaska [Mr. SULLIVAN] proposes an amendment numbered 33.

The amendment is as follows:

(Purpose: To provide that nothing shall be construed to hinder the ability of the United States to respond rapidly and decisively to any attacks by Iran or its proxy forces)

Strike section 2 and insert the following:

SEC. 2. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public

Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) is hereby repealed 30 days after the Director of National Intelligence certifies in an intelligence assessment to Congress that repeal will not degrade the effectiveness of United States-led deterrence against Iranian aggression.

SEC. 3. RULE OF CONSTRUCTION REGARDING ABILITY TO COUNTER ATTACKS BY IRAN AND ITS PROXY FORCES.

Nothing in this Act shall be construed to restrict the ability of the United States to respond rapidly and decisively to threats by the Government of Iran or its proxy forces against United States facilities or persons, or those of United States allies and partners, as appropriate under the authorities provided to the President in Article II of the Constitution.

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relationship to Sullivan amendment No. 33.

The Senator from Alaska.

Mr. SULLIVAN. Mr. President, Iranian proxies have attacked U.S. forces in the Middle East 80 times since President Biden took office. Deterrence is failing.

Many of us are deeply concerned that removing the 2002 AUMF will further erode American deterrence relative to Iran, further jeopardizing our troops in the region.

Why are we concerned about this?

First, the 2002 AUMF was, as recently as 2020, used to support the very justified killing of the Iranian Quds Force leader Qasem Soleimani.

And, second, even as we are debating removing the 2002 AUMF right now, Iranian proxies have stepped up attacks on Americans.

My amendment is simple and prudent and common sense. It requires the DNI to certify that the removal of the 2002 AUMF will not undermine American deterrence against Iran. This is prudent, and it is due diligence.

Why wouldn't every U.S. Senator want to know whether the actions we are taking right now here in the Senate enhance or diminish deterrence against Iran, the world's largest state sponsor of terrorism?

Under my amendment, the DNI has 30 days to do this analysis, and 30 days should not be considered an inconvenience when American lives are literally at stake.

I urge all of my colleagues to support this prudent, commonsense amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINÉ. Mr. President, I respect my Armed Services colleague from Alaska, but I urge my colleagues to oppose this amendment.

Iraq is not Iran. The bill that is on the floor is to repeal war authorizations voted on by this body against Iraq in 1991 and 2002. Iraq is not Iran.

The President of the United States has sent two messages to this body saying that the repeal of the Iraq war authorizations are necessary because Iraq is now a partner of the United States and that the repeal will neither jeopardize

any current military operation, make the United States less safe, or take options away from the President to defend against Iranian aggression.

The certification has been given by the President. This is a bill that would ask one of his subordinates, who has been available to talk to any of us by phone in the 2 weeks this bill has been on the table—it would basically say: OK, Mr. President, you said this, but we want to hear from one of your subordinates.

Avril Haines has been available to talk to any Member of this Senate in the 2 weeks this bill has been on the floor. The President has indicated this would not jeopardize our ability to defend against the activities of Iran-backed militias. We should not conflate Iraq, now a partner of the United States, with Iran, an adversary of the United States.

I urge a “no” vote.

Mr. SULLIVAN. Mr. President, do I have any time left?

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. SULLIVAN. Mr. President, I am not conflating Iran and Iraq. Iran right now is the threat, and, again, I ask my colleagues—none of whom have an answer—why wouldn't we do the due diligence, 30 additional days, to ask the DNI if what we are doing on the Senate floor right now undermines American deterrence relative to Iran?

It is a simple request. It shows that we are acting to make sure we protect our troops in the region. And, again, 30 days is not a lot of time—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SULLIVAN. To make sure our troops in the region are safe and secure.

VOTE ON AMENDMENT NO. 33

The PRESIDING OFFICER. The question is on agreeing to amendment No. 33.

Mr. SULLIVAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kentucky (Mr. MCCONNELL) and the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 38, nays 57, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—38

Barrasso	Capito	Cramer
Blackburn	Collins	Crapo
Boozman	Cornyn	Cruz
Britt	Cotton	Ernst

Fischer	Manchin	Scott (FL)
Graham	Mullin	Scott (SC)
Hagerty	Murkowski	Sinema
Hoeben	Ricketts	Sullivan
Hyde-Smith	Risch	Tester
Johnson	Romney	Thune
Kennedy	Rosen	Tuberville
Lankford	Rounds	Wicker
Lummis	Rubio	

NAYS—57

Baldwin	Hawley	Paul
Bennet	Heinrich	Peters
Blumenthal	Hickenlooper	Reed
Booker	Hirono	Sanders
Braun	Kaine	Schatz
Brown	Kelly	Schmitt
Budd	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Lee	Smith
Carper	Lujan	Stabenow
Casey	Markey	Van Hollen
Cassidy	Marshall	Vance
Cortez Masto	Menendez	Warner
Daines	Merkley	Warnock
Duckworth	Moran	Warren
Durbin	Murphy	Welch
Gillibrand	Murray	Whitehouse
Grassley	Ossoff	Wyden
Hassan	Padilla	Young

NOT VOTING—5

Coons	Fetterman	Tillis
Feinstein	McConnell	

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 57.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 33) was rejected.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, we hear from Democrats a lot these days about “ending the Iraq war.” Let's pause for a moment to remember the first time they “ended the Iraq war.”

President Obama pulled American troops out of Iraq just over a decade ago. The “dumb” war, as Obama called it, was finally over—except it wasn't. It turns out those American troops had kept a lid on a lot of chaos. When they left, the bad guys came back with a vengeance. President Obama dismissed ISIS as the “JV team” of the terrorist world, but even he couldn't turn a blind eye when ISIS seized Fallujah just 2 years after our troops left Iraq, then Mosul a few months later, and then threatened to bring all of Iraq into their so-called caliphate.

So, ultimately, President Obama, winner of the Nobel Peace Prize and great ender of the Iraq war, had to start a new Iraq war not even 3 years after he had bugged out, although actually it was an Iraq-Syria war. Obama's retreat backfired so badly that he had to deploy our troops to two countries this time, not one. And guess which use-of-force resolution President Obama cited to fight ISIS. The same one that President Trump relied on in 2020 to kill Iran's terrorist mastermind, Qasem Soleimani, which is the same resolution Democrats want to repeal today. All of which goes to show that this debate is not about Saddam Hussein; it is about whether the President—whether any President should have maximum authority to pursue America's enemies in Iraq and Syria.

The Democrats have argued that the 2002 resolution wasn't necessary to stop

ISIS because the 2001 War on Terror use-of-force resolution also applied. That is true. But apparently President Obama didn't think the 2001 resolution was sufficient since he also invoked the 2002 resolution. I would welcome any Democrat to explain why the leader of their party was wrong.

Somewhat to my amusement, some Democrats and a few Republicans have contended, not to worry, the President can always rely on his Commander in Chief authority under article II of the Constitution to order military operations like the Soleimani strike. I agree. Yet these are the very same Senators who usually argue that article II authorizes only the most immediate and modest actions in self-defense. Everything else, they say, takes congressional approval. I will be curious to hear from them the next time a President relies primarily on his article II authority to take necessary action to defend America.

But enough with debating how many JAG lawyers can dance on the head of a pin. Let's ask a more important question. In the real world, will repealing these resolutions make America more safe or less safe? To which I answer, just look around the region.

Iran's proxies are trying to kill Americans every day, and that is hardly an exaggeration. Just last week, a suicide drone made by Iran killed an American contractor and wounded six other Americans in Syria. An Iranian rocket attack wounded another American after that. Meanwhile, ISIS still carries out dozens of massacres and suicide bombings every year. That is not to mention new terrorist groups who may be waiting in the wings, ready for their shot at the title as America retreats.

If we repeal these resolutions, will it make America more safe or less safe?

The answer to that question is obvious. Threats still originate in and emanate from Iraq, whether terrorist groups like ISIS or Iran's proxies. We should not lightly throw away additional authorities to target them.

Furthermore, we shouldn't give Joe Biden any more reason to avoid taking necessary action to protect America. President Biden is already in full flight from the Middle East. It was President Biden who ended the war in Afghanistan, just like President Obama ended the Iraq war. Now the Taliban rules in Kabul, harboring terrorists who threaten our country.

Iran killed an American last week because Joe Biden never acts until Iran kills an American. Since he became President, Iran has attacked American positions at least 83 times. Yet President Biden has only retaliated four times. Little wonder the ayatollahs think they can get away with it, as they have with that latest strike, because after we finally hit back last week, Iran struck our positions again, injuring yet another American. Yet Joe Biden, as of this moment, has not retaliated.

A couple months ago the administration also cited an obscure legalistic grounds for why President Biden didn't shoot down a Chinese spy balloon over the Aleutian Islands. The last thing this President needs is more encouragement from Congress to turn the other cheek.

Besides the message to the President, we should also consider the signal we send to our friends and enemies in the Middle East. President Biden has made matters worse through his shabby treatment of America's best friends. He has attacked the Netanyahu government over its domestic policies and funded its political opponents. He has attacked Saudi Crown Prince Muhammad bin Salman and promised to turn the Kingdom into a "pariah" state.

If we send the message that we are abandoning our friends, we shouldn't be surprised if they begin to hedge their bets. Already, our allies are doing just that, turning to China as a new power broker. Just this month, Beijing brokered a deal between Saudi Arabia and Iran. It has encouraged the Saudis to trade oil in Chinese currency instead of dollars. China has also undertaken to build a secret port in the United Arab Emirates.

The trend is unmistakable. China looks like a rising power in the region, while America appears to be on the decline and on the way out. We can reinforce that impression today or not. Democrats can say that is not the message they intend, but what matters more is what our friends and foes hear. We will vote on it soon.

And it is not just China that is exploiting our weaknesses. Iran sees our retreat as a green light to dominate Iraq. Already it is manipulating in Iraq's politics and arming Shia militias. Iran just signed a border deal with Iraq to send more arms and cash to its proxies. Tehran's influence will only grow if ours recedes. We will vote on that soon too.

In short, repealing these resolutions will embolden terrorists, embolden Iran, and embolden China, while demoralizing our allies and making it harder to punish attacks on Americans. Do Senators really want to sign up for these consequences?

When another ISIS rears its head or Iran's proxies use Iraq's territory for safe haven, do Senators really want to be responsible for stripping our troops of these additional legal authorities?

I don't, and I won't. But if they do, let them say so plainly. Let them say that this academic exercise, which even they admit won't legally constrain any President, is worth these deadly real-world consequences.

Our men and women deserve that honest debate. After all, it is their lives depending on it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, this week, the Senate debates whether to end two authorizations of the use of

military force against Iraq. Congress passed the first authorization in 1991 for the original Gulf war, a strategic and narrowly scoped campaign to liberate Kuwait and punish Saddam Hussein's unlawful aggression.

Congress passed the second one in 2002, paving the way for the disastrous invasion and occupation of Iraq and the biggest blunder in the history of American foreign policy.

We have spent far too little time on this floor considering the legacy of both wars, and I want to thank Senators Kaine and Senator Young for this long overdue debate about the constitutional responsibility of Congress in our foreign policy.

Most Americans, I think, would be surprised to learn that Congress has much of a role in foreign policy because for virtually my entire time in the Senate, there has been very little evidence that we have played one.

The Founders envisioned a very specific role for Congress, and it wasn't to micromanage foreign policy. They knew matters of war and peace required a level of coherence and action at odds with a legislative branch that, by design, often moves slowly and encourages disagreement and some would say sometimes even incoherence.

But if the Founders had a reason for giving the Executive broad flexibility to conduct war, they also had a reason for giving Congress sole power to declare war.

They wanted to make it hard to start a war, not easy. They knew that Presidents would often find war tempting as a means to amass power, run roughshod over our constitutional checks and balances. From their study of ancient times, they also understood the ways in which endless war threatened and undermined democracy.

Here is what James Madison wrote in 1795, just 6 years after ratification of the Constitution:

Of all the enemies to public liberty, war is, perhaps, the most to be dreaded. . . . No nation could preserve its freedom in the midst of continued warfare.

The Founders understood this because they studied history. They knew our history better than we know it ourselves, and they sought to apply its lessons to decisions in their time. For example, they read about how the 27-year war between Athens and Sparta corroded Athenian democracy from within by straining its economy, by feeding unrest, and creating a vacuum for strongmen who were peddling easy answers to difficult questions.

That is why they gave Congress—not the President—the sole power to declare war, but also to ratify treaties, confirm our military and diplomatic leaders, and approve our budget for national security. And they expected Congress to oversee foreign policy actively on behalf of the American people.

If we look back over the last 30 years—twice the length of time that the pages on this floor have even been

alive. If you look at the last 30 years from when Congress first authorized the use of force against Iraq until today, what can we say about how Congress has lived up to its responsibility? Has Congress fulfilled the responsibility that the Framers gave it? I am afraid there is not very much that is good in that record.

For 30 years, I would argue, this body has been derelict in its responsibility, and it has come at a terrible time and with a terrible price—a terrible price. If we go back three decades to the early nineties, I had just started law school. The first President Bush was in the White House, and we were living in the early years of a post-Cold War world. President Bush had inherited what he called a new world order following the collapse of the Soviet Union. We didn't really appreciate it at the time, but when the Soviet Union collapsed, the United States lost a fundamental organizing principle that had been with us, really, for decades.

The Cold War was not just a fight against the Soviets; it was a fight against tyranny. For Americans of my generation, the Cold War defined our foreign policy for good and for ill. It also defined us as a people and defined who we were not. It gave us purpose. It unified us. It made us deliberate about our role in the world.

The Presiding Officer may have read today—I did—a new poll from the University of Chicago where, for the first time, there is a vast minority of Americans who say patriotism is important to them; for the first time, there is a vast minority of Americans who say religion is important to them. You know, the vast majority of people are worried that they are not going to provide something better for the next generation, which is where I think a lot of that comes from.

But think about that change—that change—from when we were being raised to how people feel about it today. It is dramatic. I would say we can't give up. There is a lot of patriotic business for us to do, not just on the floor of the Senate but in America today. I would argue—and I will in a minute—there is as much for us to do now as when we were in the Cold War and we were having our fight with the Soviet Union.

Those principles of sort of engagement and disengagement, of agreement and disagreement, but a way of thinking about the world also had an important effect in terms of constraining our actions, limiting, to some extent, our behavior abroad and disciplining our politics at home.

In the fight against communism, we made more than our fair share of egregious mistakes, to be sure. Among them—the worst—the Vietnam war. But I would say, still, our foreign policy in those days and the values that underlay it in total, in sum, strengthened our democracy at home and advanced U.S. interests abroad—not perfectly but mostly.

The fall of the Berlin Wall disoriented us. Could America continue to lead the world without the moral and political organizing principle of an ideological foe? That was the question. One answer was to reject the question, to sort of assume it away; that to imagine that the triumph over Soviet communism meant that the liberal order—our democracy and capitalism—had prevailed. And there were people writing books about the end of history, if the Presiding Officer will remember, saying that is exactly what had happened.

When Saddam Hussein threatened that new world order by invading his neighbor Kuwait, the U.S. rallied the world to drive him out. In just 7 months, our military routed the Iraqi Army, liberated Kuwait, and effectively put Saddam Hussein in a box. George H.W. Bush showed restraint. The first President Bush showed restraint. No country in the world—no tyrant in the world—was more locked down by our no-fly zone than Saddam Hussein's Iraq.

We had built international support from all over the world for what George Bush had done. You think it wasn't a hard decision for him to say we could go into Baghdad—we could go in and get that terrible dictator—but he knew we didn't have an answer for the sectarian violence that would break out in the aftermath of toppling Saddam Hussein, so he showed restraint.

I think, at the time, our total and swift victory gave confidence to those who believed that our political project was done; that history had ended; that we had finally swept tyranny into the dustbin of history; and that all we had to do was clap our hands, sit back, and watch democracy spread.

Unfortunately, as is often the case in human events—as is always the case in human events—reality turned out to be far messier. That naive optimism ended when al-Qaida flew planes into the World Trade Center and the Pentagon and crashed a plane in Pennsylvania, murdering 3,000 of our fellow Americans.

So the first decade of the 2000s was characterized by a single-minded focus on responding to the pain, to the shock, and to the tragedy of 9/11.

All of this, I think, had an incredibly disorienting effect. Since those times, since those days, we have been fighting not a Cold War against a single rival power but a perpetual Global War on Terror that finds enemies everywhere and has led to catastrophic decisions; a perpetual war on terror that has terrorized us. And this endless war led Congress to cede vast authority to the President to wage that war, surrendering our constitutional responsibility to set the boundaries, to debate the wisdom, and oversee the use of lethal force in the name of the American people, which is one of the reasons that we were sent here in the first place.

In the first Gulf war, Congress's deference to the executive had no signifi-

cant consequences because the first Bush administration actually had a coherent strategy based on limited and achievable objectives: liberate Kuwait, defeat the Iraqi Army, contain Saddam.

After 9/11, congressional deference cost the American people and our leadership in the world dearly.

In Afghanistan, what began as a limited mission to destroy al-Qaida metastasized into a 20-year campaign to transform the country into a liberal democracy, something Afghanistan would never become—certainly not over that time period and probably not in our own lives—and a cost of over 2,300 American servicemembers, nearly 4,000 contractors, and over 46,000 Afghan civilians.

In 2002, when the second President Bush came to Congress and misrepresented the threat of weapons of mass destruction—which Saddam had destroyed years before and which many of our allies and our own intelligence Agencies doubted that he had—when they claimed that Saddam's secular regime was somehow tied to al-Qaida, a terrorist group driven by religious fanaticism, when they said the war could pay for itself with Iraqi oil, conclude in months, not years, and that we could somehow turn a Nation whose sectarian rivalries Saddam had prevented from exploding through violence and oppression into yet another pluralistic democracy; most people in Congress went along for the ride—except, I should say, for a few of my colleagues still in this body, including Senator DURBIN; Senator MURRAY; Senator REED; Senator STABENOW; Senator WYDEN; my former senior Senator Mark Udall, then a Member of the House—I say to the pages that are here: Mark their names into history books for the vote that they took. That was a courageous vote that they took. I believe the Presiding Officer's—he is not here—but I believe the Presiding Officer's predecessor, Chairman Leahy from the great State of Vermont, took that courageous vote as well.

Except for the handful of them and my colleague Mark Udall, then a Member of the House—except for them, almost no one here asked if there was even a strategy or what it was. They didn't ask how toppling a Sunni dictator in a Shia majority country would strengthen Iran. And I can assure you, they didn't ask what China was doing, as we committed ourselves to a second nation-building project in the Middle East.

And by acquiescing to the President, Congress essentially cut off the American people from the vital debate about the true cost and consequences of the war.

And in the end, the cost was terrible. The Iraq war killed over 4,600 American servicemembers and over 3,600 contractors. Over 50 times—50 times—more troops were killed or injured in the post-war insurgency than in the original march to Baghdad. The war killed

200,000 Iraqi civilians and displaced over 9 million people. It left the country in ruins and its identity in tatters.

Twenty years later, Iraqis are still trying to pick up the pieces. Since the war, corruption has stolen \$150 billion of Iraq's wealth. That is over half of the country's entire GDP last year. Twenty years later, Iran is also in a stronger position than ever, seizing on the vacuum we created with proxies from Iraq to Syria to Lebanon to Yemen, threatening our troops in the region and vital allies like Israel.

China is cutting deals today. Having avoided those 20 years of bedlam, they are now showing up and making peace agreements between the Iranians and the Saudis, not having paid the price that we've paid. And 20 years later, America's global leadership and credibility have yet to recover as a result of the decisions that we made.

In the name of spreading freedom across the globe, we, instead, spread images of chaos and civil strife, of torture at Abu Ghraib, of waterboarding and black sites—all violations of the values that we claimed to serve; that I believe we do serve.

And to pay for it all, we borrowed \$8 trillion from our children—\$8 trillion—from the next generation of Americans.

In fact, we were so committed to not paying for that war, to not sacrificing the way our parents and grandparents did when they were engaged in wars, we were so committed to not bearing the burden that we cut taxes twice and borrowed another \$10 trillion from our children to pay for those.

Imagine what we could have done for this country if we had spent that \$18 trillion here at home, the good-paying jobs we could have created, the 21st-century industries and infrastructure we could have built, the opportunities we could have created for the next generation of Americans. Instead, from their perspective, we would have been better off lighting that \$18 trillion on fire.

I bring this up not to relitigate the past but to remind us of the profound cost to America and the world of giving Presidents a blank check in foreign policy, of shirking our constitutional responsibility, our duty to provide real oversight and hold the Executive accountable to our democratic values, to the rule of law, and to the voices and opinions of the American people.

We should acknowledge that there will be moments when doing so will be inconvenient for us in the short term. There are countries around the world that are not inconvenienced by the set of values we purport to live by. The fact that they are inconvenient doesn't mean they are not right.

As the Founders understood, there is always going to be a temptation to trade freedom for the illusion of security, to act instead of consult, to ignore our commitment to human rights and the rule of law for expediency, or to turn a blind eye to corruption or incompetence by a President of your own

party—especially of your own party. But over the long term, our willingness to resist those temptations I think is what makes America different. It is what makes our foreign policy different at its best. It is what has made us a beacon to the world even if our light has flickered at times. It is why the world doesn't look to China or to Russia for moral leadership; it looks to us. Because American foreign policy at its best has never been about serving the whims of a tyrant or a party boss; it is about serving the American people and offering a better vision for humanity through the power of our example and our partnership with the world. And it is why we in Congress have to take our roles seriously in this democracy—we really do—to take our obligation to the American people just as seriously and not simply honor our constitutional balance of power in the breach but every single time.

So my hope is that this modest vote we are going to take is the beginning of a new commitment by Congress to fulfill our constitutional responsibility, to bring the American people back into this conversation about what our global leadership should look like in the 21st century, and to work in partnership with the President to define a new organizing principle for our leadership because we don't have another 30 years to wait, and the whole world is watching.

I, for one, know that—I think when we pick up the enduring values that reflect our foreign policy at its best, that reflect a sense of justice here at home as well, when we can stand for both freedom and for opportunity, which we have decade after decade after decade, there is a coalition of countries all around the world that would rather sign up to that vision than sign up to the tyranny that is on offer from other societies.

But we have to remember what the Founders told us. In our time, we have to exercise this responsibility that we have here in Congress, and we need to do the work faithfully that the American people sent us here to do.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARKEY). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCOTT of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 13

(Purpose: To establish a Joint Select Committee on Afghanistan to conduct a full investigation and compile a joint report on the United States withdrawal from Afghanistan.)

Mr. Scott of Florida. Mr. President, I call up my amendment No. 13 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The senior assistant legislative clerk read as follows:

The Senator from Florida, [Mr. SCOTT], for himself and others, proposes an amendment numbered 13.

(The amendment is printed in the RECORD of March 21, 2023, under "Text of Amendments.")

Mr. SCOTT of Florida. In September 2021, President Biden's misguided and dangerous decisions in his botched withdrawal of U.S. forces from Afghanistan led to America's most stunning, unforced, and humiliating defeat in decades.

Due to President Biden's carelessness and failed leadership, 13 U.S. service-members were lost; billions of dollars of U.S. military equipment were left for the Taliban, and here is a picture of some of it; and hundreds of American citizens were stranded behind enemy lines.

The world is now a more dangerous place. Our enemies, like Russia, Communist China, and Iran, are emboldened, and the American people are rightfully furious.

We must have accountability, and the best way to do that is establishing a bipartisan, bicameral Joint Select Committee on Afghanistan—similar to the Iran-Contra committees—to conduct a full investigation and compile a thorough report on President Biden's tragically failed withdrawal from Afghanistan.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, I appreciate very much my colleague from Florida's continued focus on the need to fully account for what went wrong with the Biden administration's horribly botched withdrawal from Afghanistan; however, I regret that I must oppose his amendment because this is not the right venue for establishing a committee of this nature.

In the coming months, we are going to consider the annual National Defense Authorization Act, and important oversight issues such as the ones raised in the amendment by the gentleman from Florida should be debated within that context and that framework.

This legislative effort to remove outdated authorities that were put in place two decades ago for a war against Saddam Hussein's Iraq to prevent them from abuse in the future has to be kept, in my estimation, as clean as possible to enable them to be signed into law without further delay.

As I said before, by allowing these authorizations to live on long past their original purpose, Congress has forfeited the power to authorize military force to the executive branch.

I know my colleague from Florida cares deeply about oversight issues, as evidenced by this amendment, so I hope he and I can work together both to pass a clean repeal of these two outdated authorizations and then discuss

robust oversight measures for Afghanistan within the confines of the NDAA process.

In closing, I would urge my colleagues to vote against this amendment in order to keep this bill a clean repeal of the 1991 and 2002 authorizations.

VOTE ON AMENDMENT NO. 13

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 13.

Mr. YOUNG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. SCOTT of Florida. I ask unanimous consent that the vote begin now.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. MCCONNELL).

The result was announced—yeas 33, nays 62, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—33

Barrasso	Fischer	Mullin
Blackburn	Graham	Paul
Boozman	Hagerty	Rosen
Braun	Hawley	Rounds
Britt	Hoeven	Rubio
Budd	Hyde-Smith	Schmitt
Capito	Johnson	Scott (FL)
Cramer	Kennedy	Scott (SC)
Cruz	Lee	Sullivan
Daines	Lummis	Tuberville
Ernst	Marshall	Wicker

NAYS—62

Baldwin	Hickenlooper	Risch
Bennet	Hirono	Romney
Blumenthal	Kaine	Schatz
Booker	Kelly	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Sinema
Cardin	Lankford	Smith
Carper	Lujan	Stabenow
Casey	Manchin	Tester
Cassidy	Markey	Thune
Collins	Menendez	Tillis
Cornyn	Merkley	Van Hollen
Cortez Masto	Moran	Vance
Cotton	Murkowski	Warner
Crapo	Murphy	Warnock
Duckworth	Murray	Warren
Durbin	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Grassley	Peters	Wyden
Hassan	Reed	Young
Heinrich	Ricketts	

NOT VOTING—5

Coons	Fetterman	Sanders
Feinstein	McConnell	

The PRESIDING OFFICER (Mr. WARNOCK). On this vote, the yeas are 33, the nays are 62.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed.

The amendment (No. 13) was rejected.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 40

(Purpose: To establish the Office of the Special Inspector General for Ukraine Assistance.)

Mr. HAWLEY. Mr. President, I call up my amendment No. 40 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. HAWLEY], proposes an amendment numbered 40.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate, equally divided, prior to a vote in relation to Hawley amendment No. 40.

Mr. HAWLEY. Mr. President, this body has spent to date \$113 billion on the war in Ukraine and counting. Yet we do not have any direct oversight of any of the money that is being spent.

My amendment is very simple. Let's create 1 government watchdog—not 2, not 3, not 20; 1 government watchdog—to oversee every cent that is spent on Ukraine and to report back to this Congress and to the American people as to how their hard-earned money is being spent.

Currently, there are dozens of reporting requirements. There are multiple bureaucrats who are involved.

Listen, we learned this the hard way in Afghanistan, where, after years of lack of oversight, billions of dollars wasted, and, tragically, many lives lost, this body finally created a special inspector general to oversee the Afghanistan effort and reporting requirements, to report back to the public on what we knew and were learning. That is what we should do in this case.

I urge a "yes" vote on this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I don't have an objection to the notion that the funds we are spending together in Ukraine should have careful analysis. We know from past experience, if there is not that careful analysis done, there could be problems. This is not the bill to do it.

When we do war authorizations, we don't put other amendments on, no matter how good they might be, if they are extraneous to the war authorization. The 1991 and 2002 war authorizations did not include additional items, no matter how meritorious they might have been.

So while this idea is an idea that I think people can gravitate toward, I think this is the wrong bill, the wrong vehicle, to insert something about Ukraine into this repeal of the Iraq war authorizations.

We have not done a repeal for 52 years. The authorizations themselves were clean authorizations.

I would urge a "no" vote so that the repeal, when we vote on it tomorrow, will be a clean repeal. I would urge my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, very briefly, first of all, I want to compliment Senator HAWLEY for pursuing this route.

There isn't a person in this room, there isn't a person in America who doesn't want to see that every dollar spent for the taxpayers is looked after. In this particular instance, I am going to oppose this simply because there are already 64 ongoing or planned audits and reports on U.S. assistance to Ukraine.

This piece of legislation would require a quarterly schedule, and that actually reduces the number. For instance, USAID direct budgetary support comes every 2 months.

So this is being looked after, unlike Iraq and Afghanistan, where we are talking about enormous amounts of money—not that this isn't a large amount, but those were enormous, and the work in auditing was not very good. In this case, it is very good. We have been looking at it in the Intelligence Committee, and we have been looking at it in the Foreign Relations Committee and have found zero siphoning of U.S. dollars. So this really is an expenditure that is not necessary because it is being looked after already.

I would urge a "no" vote on this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HAWLEY. Mr. President, do I have any time left?

The PRESIDING OFFICER. You have 49 seconds.

Mr. HAWLEY. Mr. President, I would just say, in response to my friend's point about there being 60-plus reporting requirements already in place, that is part of the problem. When everybody is in charge, nobody is in charge.

Currently, the oversight requirements are spread across three different Agencies of the inspector general. The State Department, the Defense Department, and USAID each would have a little piece of this—dozens of disparate requirements.

Let's unify it. We have done this before—one inspector general, one staff, one set of requirements. Make it public. Give the American people the accountability they deserve.

I urge a "yes" vote.

I yield the floor.

VOTE ON AMENDMENT NO. 40

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MENENDEZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania

(Mr. FETTERMAN), and the Senator from West Virginia (Mr. MANCHIN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Kentucky (Mr. McCONNELL) and the Senator from Alabama (Mr. TUBERVILLE).

The yeas and nays resulted—yeas 26, nays 68, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—26

Barrasso	Hagerty	Paul
Blackburn	Hawley	Schmitt
Braun	Hoeven	Scott (FL)
Britt	Johnson	Scott (SC)
Budd	Lee	Sinema
Cruz	Lummis	Sullivan
Daines	Marshall	Tester
Fischer	Moran	Vance
Graham	Ossoff	

NAYS—68

Baldwin	Hassan	Risch
Bennet	Heinrich	Romney
Blumenthal	Hickenlooper	Rosen
Booker	Hirono	Rounds
Boozman	Hyde-Smith	Rubio
Brown	Kaine	Sanders
Cantwell	Kelly	Schatz
Capito	Kennedy	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Smith
Casey	Lankford	Stabenow
Cassidy	Lujan	Thune
Collins	Markey	Tillis
Cornyn	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Cotton	Mullin	Warnock
Cramer	Murkowski	Warren
Crapo	Murphy	Welch
Duckworth	Murray	Whitehouse
Durbin	Padilla	Wicker
Ernst	Peters	Wyden
Gillibrand	Reed	Young
Grassley	Ricketts	

NOT VOTING—6

Coons	Fetterman	McConnell
Feinstein	Manchin	Tuberville

The PRESIDING OFFICER (Mr. KELLY). On this vote, the yeas are 26, the nays are 68.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 40) was rejected.

The PRESIDING OFFICER. The Senator from New Hampshire.

NATIONAL WOMEN'S HISTORY MONTH

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 129, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 129) designating March 2023 as "National Women's History Month".

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. I know of no further debate on the resolution.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 129) was agreed to.

Mrs. SHAHEEN. I ask unanimous consent that the preamble be agreed to

and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

RESOLUTIONS SUBMITTED TODAY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions introduced earlier today: S. Res. 130, S. Res. 131, S. Res. 132.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

REMEMBERING OLIVER LEAVITT

• Ms. MURKOWSKI. Mr. President, I want to take a few minutes to recognize the life of an extraordinary Alaska Native leader Oliver Aveogan Leavitt, who died January 9, 2023, at the age of 79. With the passing of Oliver Leavitt, Alaska has lost a highly respected Inupiat leader and elder who dedicated his life to advocating for Inupiat and Alaska Native rights and ensuring that cultural and traditional knowledge will be passed down to younger generations.

Oliver Leavitt was born in 1943 in Utqiagvik and was raised in caribou and fish camps along the Arctic coast living a traditional Alaska Native subsistence lifestyle. Oliver was known as a statewide leader and was instrumental in the legislation and policy changes that he successfully advocated for, including the Alaska Native Claims Settlement Act—ANCSA—working in close partnership with dear friends and leaders such as the late Dr. Jacob Anagi Adams. Oliver not only lived in a time of rapid and monumental change, but he was also an agent of that change and progress for his people at a defining period in our State's history, leading discussions about rights to the land and resources and ensuring prosperity for the region as a founder and leader of Arctic Slope Regional Corporation.

Oliver Leavitt's staunch and storied dedication meant sacrificing time away from his family and cultural activities to camp out in DC, working on the passage of amendments to ANCSA that benefited all Alaska Native people for future generations, including legislation which authorized development on North Slope lands. Oliver also provided strong cultural leadership as a whaling captain, leading the Oliver Leavitt Crew, and sharing his skills as an expert skin boat maker. Oliver proudly served his community, State, and Nation at all levels, as an Army veteran, serving in the Vietnam war, and served on many local and early boards, such as Arctic Slope Regional Corporation, Alaska Federation of Na-

tives, the U.S. Arctic Research Commission, Arctic Slope Native Association—which led his North Slope region in the fight about land claims—and First Alaskans Institute.

Dr. Leavitt is survived by his beloved wife Annie Hopson Leavitt; his two daughters, Mary Lou and Martina (Jamie); daughter-in-law Doreen; seven grandchildren; and three great-grandchildren. He is preceded in death by his and Mrs. Leavitt's son, William Jens Leavitt. Dr. Leavitt occupied a special place in Alaska's history and in the hearts of those who called him a friend. He prioritized mentoring the next generation. Oliver was loved in return, and Alaskans are immensely proud of all that he contributed to the State. My family and I extend our deepest condolences to his friends, family, and loved ones during this time as we reflect on the life a legendary Alaskan.●

Mrs. SHAHEEN. I ask unanimous consent that the resolutions be agreed to, the preambles, where appropriate, be agreed to, and that the motions to reconsider be considered made and laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 130) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

The resolution (S. Res. 131) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

The resolution (S. Res. 132) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

MORNING BUSINESS

NOTICE OF ADOPTION OF REGULATIONS FROM THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the notice of adoption of regulations from the Office of Congressional Workplace Rights be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

U.S. CONGRESS, OFFICE OF
CONGRESSIONAL WORKPLACE RIGHTS,
Washington, DC, March 28, 2023.

Hon. PATTY MURRAY,
President Pro Tempore of the U.S. Senate,
The United States Capitol,
Washington, DC.

DEAR MADAM PRESIDENT: Section 304(b)(3) of the Congressional Accountability Act

(CAA), 2 U.S.C. §1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors ("Board") of the Office of Congressional Workplace Rights ("OCWR") has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), "the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal."

The OCWR Board has adopted the regulations in the Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval, which accompany this transmittal letter. The Board requests that the accompanying Notice be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal. The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

Any inquiries regarding this notice should be addressed to Patrick Findlay, Executive Director of the Office of Congressional Workplace Rights, Room LA-200, 110 2nd Street, S.E., Washington, D.C. 20540; 202-724-9250.

Sincerely,

BARBARA CHILDS WALLACE,
*Chair of the Board of Directors, Office of
Congressional Workplace Rights.*

Attachment.

FROM THE BOARD OF DIRECTORS OF
THE OFFICE OF CONGRESSIONAL
WORKPLACE RIGHTS

NOTICE OF ADOPTION OF REGULATIONS
AND TRANSMITTAL FOR CONGRES-
SIONAL APPROVAL

**Modification of Regulations Extending Rights
and Protections Under the Americans with
Disabilities Act Relating to Public Services
and Accommodations, Notice of Adoption of
Regulations and Submission for Approval
as Required by 2 U.S.C. §1331, Congress-
ional Accountability Act of 1995, as
Amended.**

Procedural Summary:

**Issuance of the Board's Initial Notice of Pro-
posed Rulemaking.**

On or about July 26, 2022, the Board of Directors ("the Board") of the Office of Congressional Workplace Rights ("OCWR") published a Notice of Proposed Rulemaking ("NPRM") in the Congressional Record. 168 Cong. Rec. H7158-H7163, S3700-3705 (daily ed. July 26, 2022). The Board, after considering comments to the NPRM, has adopted, and is submitting for approval by the Congress, final modified regulations implementing section 210 of the CAA. As set forth in detail below, the OCWR Board previously adopted regulations implementing section 210 of the CAA in 2016. 162 Cong. Rec. H557-565, S624-632 (daily ed. February 3, 2016). Because Congress has not acted on the Board's request for approval of its 2016 amendments, the Board now resubmits them for congressional approval.

**Why did the Board propose these new Regu-
lations?**

The Congressional Accountability Act of 1995, PL 104-1 ("CAA"), was enacted into law on January 23, 1995. The CAA, as amended, applies the rights and protections of fourteen federal labor and employment statutes to covered employees and employing offices

within the legislative branch of the federal government. Section 210(b) of the CAA provides that the rights and protections against discrimination in the provision of public services and accommodations established by the provisions of Titles II and III (sections 201 through 230, 302, 303, and 309) of the Americans with Disabilities Act of 1990, 42 U.S.C. §§12131-12150, 12182, 12183, and 12189 ("ADA") shall apply to legislative branch entities covered by the CAA. The above provisions of section 210 became effective on January 1, 1997. 2 U.S.C. §1331(h). Title II of the ADA prohibits discrimination on the basis of disability in the provision of services, programs, or activities by any "public entity." Section 210(b)(2) of the CAA defines the term "public entity" for Title II purposes as any of the listed legislative branch offices that provide public services, programs, or activities. 2 U.S.C. §1331(b)(2). Title III of the ADA prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with the accessibility standards.

Section 210(e) of the CAA requires the OCWR Board to issue regulations implementing Section 210. 2 U.S.C. §1331(e). Section 210(e) further states that such regulations "shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) of this section except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section." Id. Section 210(e) further provides that the regulations shall include a method of identifying, for purposes of this section and for different categories of violations of subsection (b), the entity responsible for correction of a particular violation. 2 U.S.C. §1331(e)(3).

**What procedure followed the Board's initial
Notice of Proposed Rulemaking?**

The July 26, 2022 Notice of Proposed Rulemaking included a thirty day comment period, which began on July 26, 2022. The OCWR received two sets of written comments to the proposed substantive regulations from stakeholders. The Board of Directors has reviewed these comments, has made certain changes to the proposed substantive regulations in response to the comments, has adopted the amended regulations, and is submitting these final regulations for approval by Congress.

**What is the effect of the Board's adoption of
these substantive regulations?**

Adoption of these substantive regulations by the Board does not complete the promulgation process. Pursuant to section 304 of the CAA, 2 U.S.C. §1384, following the Board's adoption of the regulations, it must transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record. This Notice of Adoption of Substantive Regulations and Submission for Congressional Approval completes this step.

**What are the next steps in the process of pro-
mulgation of these regulations?**

Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. §1384(b)(4), the Board of Directors is required to "include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of

the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution." The Board has adopted the same regulations for the Senate, the House of Representatives, and the other covered entities and facilities, and therefore recommends that the adopted regulations be approved by concurrent resolution of the Congress.

**Has the Board previously adopted regula-
tions implementing section 210 of the
CAA?**

Yes. The first ADA regulations implementing section 210 of the CAA were adopted by the Board and published on January 7, 1997, 142 Cong. Rec. H10676-10711, S10984-11019 (daily ed. September 19, 1996) and 143 Cong. Rec. S30-61 (daily ed. January 7, 1997), after providing notice, and receiving and considering comments in accordance with section 304 of the CAA. No congressional action was taken and thus the 1997 regulations were not issued. Revised regulations were adopted by the Board and published on February 3, 2016, after providing notice, and receiving and considering comments in accordance with section 304 of the CAA. 160 Cong. Rec. H7363 & 160 Cong. Rec. S5437 (daily ed., Sept. 9, 2014), 162 Cong. Rec. H557-565, S624-632 (daily ed. February 3, 2016). No congressional action was taken and thus the regulations were not issued. Because Congress has not acted on the Board's request for approval of its 2016 amendments, the Board now resubmits them for congressional approval.

The Board's Responses to Comments:

**A. Commenters' incorporation of 2014 com-
ments**

Both commenters incorporated by reference comments submitted in response to the Board's 2014 ADA NPRM. In the 2022 NPRM, the Board only solicited comments on the modifications being made to the ADA regulations adopted in 2016. Because the Board has already considered all of the comments made to the 2014 ADA NPRM and responded to them in its 2016 ADA Notice of Adoption, the Board will not further respond to those comments at this time. 162 Cong. Rec. H557-565, S624-632 (daily ed. February 3, 2016).

The Board notes that the Department of Justice ("DOJ") regulations now incorporated by reference into the regulations being adopted under section 210 of the CAA have not undergone drastic changes since the opportunity for comments pursuant to the 2014 ADA NPRM. The DOJ regulations, originally published on July 26, 1991 and revised on September 15, 2010, have since undergone only specified changes explained in detail in the July 2022 NPRM involving the definition of "disability" as well as movie theater accessibility. The few changes to the pertinent Department of Transportation ("DOT") regulations since 2014 are described in detail in the July 2022 NPRM as well, and relate to public transportation entities' obligation to make reasonable modifications.

The Board has modified section 2.102, regarding rules of interpretation, to specify that both the Board's 2016 Notice of Adoption and the instant Notice of Adoption shall be used to interpret the regulations and shall be made part of these Regulations as Appendix A.

**B. Removal of substantive regulations in
favor of procedural rules to govern pro-
cedure**

Both commenters expressed concern over the Board's proposal to remove certain substantive regulations in favor of procedural rules to govern unique procedural issues in implementing the ADA mandate under the CAA. Unlike in 2016, the Board's substantive regulations no longer address the procedures

used to implement the two unique statutory duties imposed by the CAA upon the General Counsel of the OCWR (“General Counsel”) that are not imposed upon the DOJ and DOT: (1) the investigation and prosecution of charges of discrimination using the Office’s mediation and hearing processes (section 210(d) of the CAA) and (2) the biennial ADA inspection and reporting obligations (section 210(f) of the CAA). The Board has determined that the procedures relating to these duties are best and properly implemented through amendments to the OCWR’s Procedural Rules.

Both commenters suggested that this approach is in direct contradiction to the statutory requirement in 2 U.S.C. §1331(e)(1) that the Board use the procedures of 2 U.S.C. §1384 to adopt substantive regulations to implement section 210 of the CAA, rather than the simpler standard for adopting procedural rules under 2 U.S.C. §1383. The Board has determined that rules relating to procedures belong in the procedural rules, not the substantive regulations. Nothing in the CAA prevents the Executive Director, subject to the approval of the Board, from adopting procedural rules pursuant to 2 U.S.C. §1383 with respect to any particular part of the CAA. Section 1383 does not prescribe what subjects may be addressed in the procedural rules, beyond that they are “rules governing the procedures of the Office.” 2 U.S.C. §1383(a). Indeed, as the Rules’ Scope states, “These Rules of the [OCWR] govern the procedures for considering and resolving alleged violations of the laws made applicable by the Congressional Accountability Act of 1995 (CAA), as amended by the Congressional Accountability Act of 1995 Reform Act of 2018 (CAARA).” Procedural Rules of the Office of Congressional Workplace Rights as Amended June 2019, §1.01. The Board notes that (1) the investigation and prosecution of charges of discrimination using the Office’s mediation and hearing processes and (2) the biennial ADA inspection and reporting obligations relate to “the procedures of the Office,” the CAA’s only requirement for the content of OCWR’s Procedural Rules. 2 U.S.C. §1383(a).

Both commenters suggested that issuing procedural rules relating to section 210 would deny Congress the authority to assess whether the Board has properly defined the scope of powers it intended to give the General Counsel. The Board responds by noting that the CAA’s process for adoption of procedural rules includes publication in the Congressional Record of a notice of proposed rulemaking and a comment period of at least 30 days after publication before adopting rules. 2 U.S.C. §1383(b). Thus, when the Board proposes procedural rules relating to the ADA, employing offices and other parties will have an opportunity to review the proposed procedural rules and provide comments. At this time, the Board has not determined whether the proposed procedures will be the same as what was proposed in the 2016 ADA Notice of Adoption.

C. Concerns relating to specific regulations incorporated by reference

1. § 35.105 (Self-evaluation)

One commenter suggested that incorporation of section 35.105 regarding self-evaluation would impose on covered entities an obligation not included in or authorized by the CAA, and that the CAA does not authorize the Board to delegate the General Counsel’s inspection duty to covered entities. Section 35.105 was adopted by the Board in 1997 and 2016. 143 Cong. Rec. S30–61 (daily ed. January 7, 1997) and 162 Cong. Rec. H557–565, S624–632 (daily ed. February 3, 2016). Because the Board’s 1997 and 2016 regulations were adopted pursuant to the CAA’s procedures for proposing and approving substantive regula-

tions, including a comment period of 30 days after publication of the proposed regulations in the Congressional Record, and because the Board has not reopened the comment period on the 2016 adopted regulations that have not been modified, as indicated in the NPRM, the Board will not and has not considered additional comments on those adopted regulations.

The Board notes that its adoption in 1997 and 2016 of section 35.105’s self-evaluation obligation merely incorporates a DOJ regulation that clarifies a legal duty imposed by the ADA as applied by the CAA and that helps ensure covered entities remain accessible even when the General Counsel is unable to inspect a particular facility. By adopting section 35.105 in 1997 and 2016, the Board did not delegate the General Counsel’s inspection duty to covered entities (which, as the commenter correctly notes, is not authorized under the CAA). The General Counsel, in accordance with section 210(f)(1) of the CAA (2 U.S.C. §1331(f)(1)), inspects the facilities of covered entities to ensure compliance with section 210(b) at least once each Congress; adoption of section 35.105 has not changed this. Nor does the General Counsel’s inspection responsibility under 2 U.S.C. §1331(f)(1) relieve employing offices of one of their primary duties under the ADA as applied by the CAA: to identify and remove barriers to access.

The Board additionally notes that adoption of section 35.105’s self-evaluation obligation promotes increased accessibility of legislative branch facilities. Due to very limited inspection resources, the General Counsel is unable to conduct ADA inspections of every facility used by covered entities each Congress. The General Counsel is unable to inspect all of the facilities located in the Washington, D.C. area, much less all of the facilities used by the district and state offices that are also covered by Section 210 of the CAA. In light of the General Counsel’s limited resources and the large number of facilities that are covered by the CAA, the General Counsel must prioritize its ADA inspections. Adoption of section 35.105 clarifies that the duty of covered entities to identify and remove barriers to access includes a duty to self-evaluate their compliance with the ADA as applied by CAA.

2. § 35.107 (Designation of Responsible Employee)

A commenter suggested that the Board’s modification of section 35.107 to impose a duty to designate an employee to coordinate ADA responsibilities on the “House of Representatives” as a body and the “Senate” as a body is not supported by good cause because those bodies are not among the covered entities enumerated in 2 U.S.C. §1331(a). Accordingly, the Board has changed its modification of section 35.107 to more closely reflect the language of 2 U.S.C. §1331(a). Deletions are marked with square [brackets] and added text is within angled <<brackets>>. Therefore, if these regulations are approved by Congress as adopted, the deletions within square brackets will be removed from the regulations and the added text within angled brackets will remain.

A commenter suggested that the duty section 35.107 would impose on covered entities employing 50 or more employees—to designate an employee “to coordinate its efforts to comply with and carry out its responsibilities under this part”—is not included in or authorized by the CAA.

The Board notes that section 35.107, without modification, was adopted by the Board in 1997 and 2016 pursuant to the CAA’s procedures for proposing and approving substantive regulations 143 Cong. Rec. S30–61 (daily ed. January 7, 1997) and 162 Cong. Rec.

H557–565, S624–632 (daily ed. February 3, 2016). Since the Board has already responded to this comment in its 2016 Notice of Adoption, no further response is warranted at this time.

The Board additionally notes that the duty imposed by section 35.107 is, in fact, included in and authorized by the CAA: Section 210(e) of the CAA requires that the regulations issued by the OCWR Board, pursuant to section 304 of the CAA, “shall be the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) [of section 210 of the CAA].” 2 U.S.C. §1331(e). It is pursuant to this requirement of the CAA that the Board adopted section 35.107 in 1997 and 2016, and does so again now.

3. § 36.206 (Retaliation)

The Board has not responded to comments regarding this regulation because it has not been incorporated into the adopted regulations. The Board intends to propose that Congress amend the CAA to incorporate section 503 of the ADA, on which 28 C.F.R. §36.206 is based.

4. Architectural Barriers Act Accessibility Standards (“ABAAS”) § F202.6 (Leases)

One commenter suggested that incorporation of §F202.6 is inconsistent with the Board’s authority under 2 U.S.C. §1384 of the CAA and does not consider current appropriations, procurement, and leasing practices and requirements of the House. Section F202.6 was adopted by the Board in 2016. 162 Cong. Rec. H557–565, S624–632 (daily ed. February 3, 2016). Because the Board’s 2016 regulations were adopted pursuant to the CAA’s procedures for proposing and approving substantive regulations, including a comment period of 30 days after publication of the proposed regulations in the Congressional Record, and because the Board has not reopened the comment period on the 2016 adopted regulations that have not been modified, as indicated in the NPRM, the Board has not considered comments to regulations already adopted.

The Board also notes that the recent comments to §F202.6 are largely the same as those made in response to its 2014 NPRM and that its response remains the same as stated in the 2016 Notice of Adoption, which is summarized as follows:

This Access Board regulation is based on 36 C.F.R. §1190.34 (2004) which since July 23, 2004 has been incorporated into the Access Board’s Architectural Barriers Act Accessibility Guidelines (“ABAAG”). The ABAAG became the ABA Accessibility Standards (“ABAAS”) on May 17, 2005 when the General Services Administration adopted them as the standards. See 41 C.F.R. §102–76.65(a) (2005). This regulation provides that buildings and facilities leased with federal funds shall contain certain specified accessible features (including at least one accessible route to primary function areas, accessible toilet facilities, and accessible parking spaces). Buildings or facilities leased for 12 months or less are not required to comply with the regulation as long as the lease cannot be extended or renewed.

Under §F202.6, “Buildings or facilities for which new leases are negotiated by the Federal government after the effective date of the revised standards issued pursuant to the Architectural Barriers Act, including new leases for buildings or facilities previously occupied by the Federal government, shall comply with F202.6.” F202.6 then proceeds to describe the requirements for an accessible route to primary function areas, toilet and bathing facilities, parking, and other elements and spaces.

The Access Board’s leasing regulation implements a key provision of the Architectural Barriers Act (“ABA”) which Congress

originally passed in 1968 and amended in 1976 to require accessibility of facilities leased (in addition to those owned) by the federal government. Since 1976, a hallmark of federal policy regarding people with disabilities has been to require accessibility of buildings and facilities constructed or leased using federal funds. Although, in the CAA, Congress required legislative branch compliance with only the public access provisions of the ADA rather than the Rehabilitation Act of 1973 or the ABA, the ADA itself was enacted in 1990 to expand the access rights of individuals with disabilities beyond what was previously provided by the Rehabilitation Act and the ABA. One of the sections of the ADA that Congress incorporated into the CAA is Section 204. Section 204 requires that the regulations promulgated under the ADA with respect to existing facilities “shall be consistent” with the regulations promulgated by the DOJ in 28 C.F.R. Part 39, 42 U.S.C. § 12134(b). Under 28 C.F.R. § 39.150(b), a covered entity is required to meet accessibility requirements to the extent compelled by the ABA and any regulations implementing it.

As the commenter noted, when the DOJ promulgated its ADA regulations in 1991, it stated in its guidelines that it had intentionally omitted a regulation that required public entities to lease only accessible facilities because to do so “would significantly restrict the options of State and local governments in seeking leased space, which would be particularly burdensome in rural or sparsely populated areas.” 29 C.F.R. Pt. 35, App. B. In these same guidelines, however, the DOJ also noted that, under the Access Board’s regulations, the federal government may not lease facilities unless they meet the minimum accessibility requirements specified in 36 C.F.R. § 1190.34 (2004) (and now in ABAAG § F202.6). This is true even if the facilities are located in rural or sparsely populated areas. The commenter did not provide any specific examples of how complying with a regulation regarding leased facilities otherwise applicable to the federal government would be unduly burdensome. Since the supply of accessible facilities has increased during the past thirty-one years through alterations and new construction, the burdensomeness of this regulation is certainly much less than it was in 1991.

The commenter also noted that attempting to apply the ABA to cover district office leases entered into by Members of Congress could result in violations of both the Antideficiency Act, 31 U.S.C. § 1341, and the Adequacy of Appropriations Act, 41 U.S.C. § 11, where an individual Member office does not have funding to address potential non-compliance with ABA standards. The Board reiterates its 2016 response to the similar comment received in response to the 2014 NPRM, that under the current House rules a Member may not use representational funds to obtain reimbursement for capital improvements and this might affect the removal of barriers in facilities that are inaccessible. The proposed regulation does not require that any Member specifically pay for alterations to ensure compliance with ABA standards. Instead, prior to entering into a lease with a Member for a facility that is in need of alterations to meet the minimum accessibility requirements, the landlord is obligated to make the needed alterations as a condition of doing business with Congress. While it is likely that the landlord will recover some of the costs associated with these alterations by increasing the rent paid by federal tenants, Congress determined when it amended the ABA to provide coverage for all leased facilities that the increased cost associated with requiring the federal government to lease only accessible facilities would be minimal and well worth the benefit gained

by improving accessibility to all federal facilities. H.R. Rep. No. 1584-Part II, 94th Cong., 2d Sess. 9, reprinted in 1976 U.S. Code Cong. & Admin. News 5566, 5571–72. The Board notes that one of the most common ADA public access complaints received by the OCWR General Counsel from constituents relates to the lack of ADA access to spaces being leased by legislative branch offices. Given the frequency of these complaints and the clear Congressional policy embodied in the ABA requiring leasing of only accessible spaces by the United States, the Board finds good cause to adopt the Access Board’s regulation formerly known as 36 C.F.R. § 1190.34 (2004) and now known as § F202.6 of the ABAAG and the ABAAS. Because, under section 210(e)(2) of the CAA, the Board is authorized to adopt a regulation that does not follow the DOJ regulations when it determines “for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section,” the Board has decided to require the leasing of accessible spaces as required in § F202.6 of the ABAAS.

In an additional comment that is somewhat different from the comments received in 2014, the commenter noted that the method of incorporation of § F202.6 Leases is problematic because the subsection includes language that is not relevant to House offices and because adoption of only § F202.6 fundamentally distorts the intended scope of application of the requirements set forth in that subsection. The Board notes that this method of incorporation is inherent in the way the CAA incorporates the ADA. Rather than incorporate the ADA in its entirety, the CAA incorporates select sections of the ADA. 2 U.S.C. § 1331(b)(1). The CAA further obligates the Board’s regulations to be the same as the DOJ and DOT regulations promulgated to implement those select sections (except to the extent that the Board may determine that a modification would be more effective in implementing ADA public access protections). 2 U.S.C. § 1331(e)(2). Congress therefore did not intend that the ADA regulations applicable to the executive branch would apply wholesale through the CAA, but rather that only specific regulations would be adopted. Accordingly, the Board has only adopted specified regulations incorporated from 28 C.F.R. Parts 35 and 36, 49 C.F.R. Parts 37 and 38, and, with the adoption of § F202.6, the Architectural Barriers Act Accessibility Standards.

Adopted Regulations:

PART 1—MATTERS OF GENERAL APPLICABILITY TO ALL REGULATIONS PROMULGATED UNDER SECTION 210 OF THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 AS AMENDED BY THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995 REFORM ACT

§ 1.101 PURPOSE AND SCOPE

§ 1.102 DEFINITIONS

§ 1.103 AUTHORITY OF THE BOARD

§ 1.104 METHOD FOR IDENTIFYING THE ENTITY RESPONSIBLE FOR CORRECTING VIOLATIONS OF SECTION 210

§ 1.101 Purpose and scope.

(a) CAA. Enacted into law on January 23, 1995 and amended on December 21, 2018, the Congressional Accountability Act (“CAA”) in Section 210(b) provides that the rights and protections against discrimination in the provision of public services and accommodations established by sections 201 through 230, 302, 303, and 309 of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131–12150, 12182, 12183, and 12189 (“ADA”), shall apply to the following entities:

(1) each office of the Senate, including each office of a Senator and each committee;

(2) each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee;

(3) each joint committee of the Congress;

(4) the Office of Congressional Accessibility Services;

(5) the United States Capitol Police;

(6) the Congressional Budget Office;

(7) the Office of the Architect of the Capitol (including the Botanic Garden);

(8) the Office of the Attending Physician;

(9) the Office of Congressional Workplace Rights; and

(10) the Library of Congress.

Title II of the ADA prohibits discrimination on the basis of disability in the provision of public services, programs, activities by any “public entity.” Section 210(b)(2) of the CAA provides that for the purpose of applying Title II of the ADA the term “public entity” means any entity listed above that provides public services, programs, or activities. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with accessibility standards. Section 225(e) of the CAA provides that, “[e]xcept where inconsistent with definitions and exemptions provided in [this Act], the definitions and exemptions of the [ADA] shall apply under [this Act.]” 2 U.S.C. § 1361(e)(1).

(b) Purpose and scope of regulations. The regulations set forth herein (Parts 1 and 2) are the substantive regulations that the Board of Directors of the Office of Congressional Workplace Rights has promulgated pursuant to section 210(e) of the CAA. Part 1 contains the general provisions applicable to all regulations under section 210 and the method of identifying entities responsible for correcting a violation of section 210. Part 2 contains the list of executive branch regulations incorporated by reference which define and clarify the prohibition against discrimination on the basis of disability in the provision of public services and accommodations.

§ 1.102 Definitions.

Except as otherwise specifically provided in these regulations, as used in these regulations:

(a) *Act* or *CAA* means the Congressional Accountability Act of 1995, Pub. L. No. 104-1, amended by Congressional Accountability Act of 1995 Reform Act, Pub. L. No. 115-397.

(b) *ADA* or *Americans with Disabilities Act* means those sections of the Americans with Disabilities Act of 1990 as amended by the ADA Amendments Act of 2008 incorporated by reference into the CAA in section 210: 42 U.S.C. §§ 12131–12150, 12182, 12183, and 12189.

(c) *Covered entity* and *public entity* include any of the entities listed in § 1.101(a) that provides public services, programs, or activities, or operates a place of public accommodation within the meaning of section 210 of the CAA. In the regulations implementing Title III, *private entity* includes *covered entities*.

(d) *Board* means the Board of Directors of the Office of Congressional Workplace Rights.

(e) *Office* means the Office of Congressional Workplace Rights.

(f) *General Counsel* means the General Counsel of the Office of Congressional Workplace Rights.

§ 1.103 Authority of the Board.

Pursuant to sections 210 and 304 of the CAA, the Board is authorized to issue regulations to implement the rights and protections against discrimination on the basis of disability in the provision of public services and accommodations under the ADA. Section 210(e) of the CAA directs the Board to

promulgate regulations implementing section 210 that are “the same as substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) except to the extent that the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.” 2 U.S.C. §1331(e). Specifically, it is the Board’s considered judgment, based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other “substantive regulations promulgated by the Attorney General and the Secretary of Transportation to implement the statutory provisions referred to in subsection (b) [of Section 210 of the CAA]” that need be adopted.

In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Attorney General and the Secretary of Transportation. Such changes are intended to make the provisions adopted accord more naturally to situations in the legislative branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Attorney General and/or the Secretary of Transportation from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulations or of the statutory provisions of the CAA upon which they are based.

§1.104 Method for identifying the entity responsible for correction of violations of section 210.

(a) Purpose and scope. Section 210(e)(3) of the CAA provides that regulations under section 210(e) include a method of identifying, for purposes of section 210 of the CAA and for categories of violations of section 210(b), the entity responsible for correcting a particular violation. This section sets forth the method for identifying responsible entities for the purpose of allocating responsibility for correcting violations of section 210(b).

(b) Violations. A covered entity may violate section 210(b) if it discriminates against a qualified individual with a disability within the meaning of Title II or Title III of the ADA.

(c) Entities Responsible for Correcting Violations. Correction of a violation of the rights and protections against discrimination is the responsibility of the entities listed in subsection (a) of section 210 of the CAA that provide the specific public service, program, activity, or accommodation that forms the basis for the particular violation of Title II or Title III rights and protections and, when the violation involves a physical access barrier, the entities responsible for designing, maintaining, managing, altering, or constructing the facility in which the specific public service program, activity, or accommodation is conducted or provided.

(d) Allocation of Responsibility for Correction of Title II and/or Title III Violations. Where more than one covered entity is found to be an entity responsible for correction of a violation of Title II and/or Title III rights and protections under the method set forth in this section, as between those parties, allocation of responsibility for correcting the violations of the ADA may be determined by statute, contract, or other enforceable arrangement or relationship.

PART 2—REGULATIONS INCORPORATED BY REFERENCE

§2.101 TECHNICAL AND NOMENCLATURE CHANGES TO REGULATIONS INCORPORATED BY REFERENCE.

§2.102 RULES OF INTERPRETATION.

§2.103 INCORPORATED REGULATIONS FROM 28 C.F.R. PARTS 35 AND 36.

§2.104 INCORPORATED REGULATIONS FROM 49 C.F.R. PARTS 37 AND 38.

§2.105 INCORPORATED STANDARD FROM THE ARCHITECTURAL BARRIERS ACT ACCESSIBILITY STANDARDS (“ABAAS”) (MAY 17, 2005).

§2.101 Technical and Nomenclature Changes to Regulations Incorporated by Reference.

The definitions in the regulations incorporated by reference (“incorporated regulations”) shall be used to interpret these regulations except: (1) when they differ from the definitions in §1.102 or the modifications listed below, in which case the definition in §1.102 or the modification listed below shall be used; or (2) when they define terms that are not used in the incorporated regulations. The incorporated regulations are hereby modified as follows:

(1) When the incorporated regulations refer to “Assistant Attorney General,” “Department of Justice,” “FTA Administrator,” “FTA regional office,” “Administrator,” “Secretary,” or any other executive branch office or officer, “General Counsel” is hereby substituted.

(2) When the incorporated regulations refer to the date “January 26, 1992,” the date “January 1, 1997” is hereby substituted.

(3) When the incorporated regulations otherwise specify a date by which some action must be completed, the date that is three years from the effective date of these regulations is hereby substituted.

(4) When the incorporated regulations contain an exception for an “historic” property, building, or facility, that exception shall also apply to properties, buildings, or facilities designated as an historic or heritage asset by the Office of the Architect of the Capitol in accordance with its preservation policy and standards and where, in accordance with its preservation policy and standards, the Office of the Architect of the Capitol determines that compliance with the requirements for accessible routes, entrances, or toilet facilities (as defined in 28 C.F.R. Parts 35 and 36) would threaten or destroy the historic significance of the property, building, or facility, the exceptions for alterations to qualified historic property, buildings, or facilities for that element shall be permitted to apply.

§2.102 Rules of Interpretation.

When regulations in §2.103 conflict, the regulation providing the most access shall apply. The Board’s 2016 Notice of Adoption and the instant Notice of Adoption shall be used to interpret these regulations and shall be made part of these Regulations as Appendix A.

§2.103 Incorporated Regulations from 28 C.F.R. Parts 35 and 36.

The Office shall publish on its website the full text of all regulations incorporated by reference. The following regulations from 28 C.F.R. Parts 35 and 36 that are published in the Code of Federal Regulations on the date of the Board’s adoption of these regulations are hereby incorporated by reference as though stated in detail herein:

§35.101 Purpose and broad coverage.

§35.102 Application.

§35.104 Definitions.

§35.105 Self-evaluation.

§35.106 Notice.

§35.107 Designation of responsible employee.

But modify as follows:

<<Each entity enumerated at 2 U.S.C. § 1331(a)>> [A public entity] that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including <<cooperation with an investigation by the General Counsel of a charge alleging noncompliance with the ADA or alleging any actions that would be prohibited by the ADA>> [any investigation of any complaint communicated to it alleging its non-compliance with this part or alleging any actions that would be prohibited by this part]. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph. <<The entities listed at 2 U.S.C. §1331(a)(1) (“each office of the Senate, including each office of a Senator and each committee”) may designate one such employee collectively, as may the entities listed at 2 U.S.C. § 1331(a)(2) (“each office of the House of Representatives, including each office of a Member of the House of Representatives and each committee”). The responsible employee designated by the 2 U.S.C. §1331(a)(1) and (2) entities may be an employee of the Office of Congressional Accessibility Services, so long as that employee is responsible to carry out the duties in this section.>>

§35.108 Definition of disability.

§35.130 General prohibitions against discrimination.

§35.131 Illegal use of drugs.

§35.132 Smoking.

§35.133 Maintenance of accessible features.

§35.135 Personal devices and services.

§35.136 Service animals.

§35.137 Mobility devices.

§35.138 Ticketing.

§35.139 Direct threat.

§35.149 Discrimination prohibited.

§35.150 Existing facilities.

§35.151 New construction and alterations.

§35.152 Jails, detention and correctional facilities.

§35.160 General.

§35.161 Telecommunications.

§35.162 Telephone emergency services.

§35.163 Information and signage.

§35.164 Duties.

Appendix A to Part 35—Guidance to Revisions to ADA Regulation on Nondiscrimination on the Basis of Disability in State and Local Government Services.

Appendix B to Part 35—Guidance on ADA Regulation on Nondiscrimination on the Basis of Disability in State and Local Government Services Originally Published July 26, 1991.

APPENDIX C TO PART 35—GUIDANCE TO REVISIONS TO ADA TITLE II AND TITLE III REGULATIONS REVISING THE MEANING AND INTERPRETATION OF THE DEFINITION OF “DISABILITY” AND OTHER PROVISIONS IN ORDER TO INCORPORATE THE REQUIREMENTS OF THE ADA AMENDMENTS ACT

§36.101 Purpose and broad coverage.

§36.102 Application.

§36.103 Relationship to other laws.

§36.104 Definitions.

§36.201 General.

§36.202 Activities.

§36.203 Integrated settings.

§36.204 Administrative methods.

§36.205 Association.

§36.207 Places of public accommodations located in private residences.

§36.210 Smoking.

§36.213 Relationship of subpart B to subparts C and D of this part.

But modify as follows:

Subpart B of this part << (§36.201 through §36.213)>> sets forth the general principles of nondiscrimination applicable to all entities subject to this part. Subparts C << (§36.301 through §36.310)>> and D << (§36.405 through §36.406)>> of this part provide guidance on the application of the statute to specific situations. The specific provisions, including the limitations on those provisions, control over the general provisions in circumstances where both specific and general provisions apply.

§ 36.301 Eligibility criteria.

§ 36.302 Modifications in policies, practices, or procedures.

§ 36.303 Auxiliary aids and services.

§ 36.304 Removal of barriers.

§ 36.305 Alternatives to barrier removal.

§ 36.307 Accessible or special goods.

§ 36.308 Seating in assembly areas.

§ 36.309 Examinations and courses.

§ 36.310 Transportation provided by public accommodations.

§ 36.402 Alterations.

§ 36.403 Alterations: Path of travel.

§ 36.404 Alterations: Elevator exemption.

§ 36.405 Alterations: Historic preservation.

§ 36.406 Standards for new construction and alterations.

Appendix A to Part 36—Guidance on Revisions to ADA Regulation on Nondiscrimination on the Basis of Disability by Public Accommodations and Commercial Facilities.

Appendix B to Part 36—Analysis and Commentary on the 2010 ADA Standards for Accessible Design.

Appendix C to Part 36—Guidance on ADA Regulation on Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities Originally Published on July 26, 1991.

Appendix D to Part 36—1991 Standards for Accessible Design as Originally Published on July 26, 1991.

Appendix E to Part 36—Guidance to Revisions to ADA Title II and Title III Regulations Revising the Meaning and Interpretation of the Definition of “Disability” and Other Provisions in Order to Incorporate the Requirements of the ADA Amendments Act.

Appendix F to Part 36—Guidance and Section-By-Section Analysis.

§ 2.104 Incorporated Regulations from 49 C.F.R. Parts 37 and 38.

The following regulations from 49 C.F.R. Parts 37 and 38 that are published in the Code of Federal Regulations on the effective date of these regulations are hereby incorporated by reference as though stated in detail herein:

§ 37.1 Purpose.

§ 37.3 Definitions.

§ 37.5 Nondiscrimination.

§ 37.7 Standards for accessible vehicles.

§ 37.9 Standards for accessible transportation facilities.

§ 37.13 Effective date for certain vehicle specifications.

§ 37.21 Applicability: General.

§ 37.23 Service under contract.

§ 37.27 Transportation for elementary and secondary education systems.

§ 37.31 Vanpools.

§ 37.37 Other applications.

§ 37.41 Construction of transportation facilities by public entities.

§ 37.43 Alteration of transportation facilities by public entities.

§ 37.45 Construction and alteration of transportation facilities by private entities.

§ 37.47 Key stations in light and rapid rail systems.

§ 37.61 Public transportation programs and activities in existing facilities.

§ 37.71 Purchase or lease of new non-rail vehicles by public entities operating fixed route systems.

§ 37.73 Purchase or lease of used non-rail vehicles by public entities operating fixed route systems.

§ 37.75 Remanufacture of non-rail vehicles and purchase or lease of remanufactured non-rail vehicles by public entities operating fixed route systems.

§ 37.77 Purchase or lease of new non-rail vehicles by public entities operating a demand responsive system for the general public.

§ 37.79 Purchase or lease of new rail vehicles by public entities operating rapid or light rail systems.

§ 37.81 Purchase or lease of used rail vehicles by public entities operating rapid or light rail systems.

§ 37.83 Remanufacture of rail vehicles and purchase or lease of remanufactured rail vehicles by public entities operating rapid or light rail systems.

§ 37.101 Purchase or lease of vehicles by private entities not primarily engaged in the business of transporting people.

§ 37.105 Equivalent service standard.

§ 37.161 Maintenance of accessible features: General.

§ 37.163 Keeping vehicle lifts in operative condition: Public entities.

§ 37.165 Lift and securement use.

§ 37.167 Other service requirements.

§ 37.169 Process to be used by public entities providing designated public transportation service in considering requests for reasonable modification.

§ 37.171 Equivalency requirement for demand responsive service operated by private entities not primarily engaged in the business of transporting people.

§ 37.173 Training requirements.

Appendix A to Part 37—Modifications to Standards for Accessible Transportation Facilities.

Appendix D to Part 37—Construction and Interpretation of Provisions of 49 CFR Part 37.

Appendix E to Part 37—Reasonable Modification Requests.

§ 38.1 Purpose.

§ 38.2 Equivalent facilitation.

§ 38.3 Definitions.

§ 38.4 Miscellaneous instructions.

§ 38.21 General.

§ 38.23 Mobility aid accessibility.

§ 38.25 Doors, steps and thresholds.

§ 38.27 Priority seating signs.

§ 38.29 Interior circulation, handrails and stanchions.

§ 38.31 Lighting.

§ 38.33 Fare box.

§ 38.35 Public information system.

§ 38.37 Stop request.

§ 38.39 Destination and route signs.

§ 38.51 General.

§ 38.53 Doorways.

§ 38.55 Priority seating signs.

§ 38.57 Interior circulation, handrails and stanchions.

§ 38.59 Floor surfaces.

§ 38.61 Public information system.

§ 38.63 Between-car barriers.

§ 38.71 General.

§ 38.73 Doorways.

§ 38.75 Priority seating signs.

§ 38.77 Interior circulation, handrails and stanchions.

§ 38.79 Floors, steps and thresholds.

§ 38.81 Lighting.

§ 38.83 Mobility aid accessibility.

§ 38.85 Between-car barriers.

§ 38.87 Public information system.

§ 38.171 General.

§ 38.173 Automated guideway transit vehicles and systems.

§ 38.179 Trams, and similar vehicles, and systems.

Figures to Part 38.

Appendix to Part 38—Guidance Material.

§ 2.105 Incorporated Standard from the Architectural Barriers Act Accessibility Standards (“ABAAS”) (May 17, 2005).

The following standard from the ABAAS is adopted as a standard and hereby incorporated as a regulation by reference as though stated in detail herein:

§ F202.6 Leases.

TRIBUTE TO JEFF WRASE

Mr. CRAPO. Mr. President, I pay tribute to Jeff Wrase, the U.S. Senate Finance Committee's deputy staff director and chief economist, who recently left the committee after more than 11 years of service.

For more than 20 years, Jeff served in what many consider to be the “wonkiest” committees in Congress: the Senate Finance, Banking, and Budget Committees, the Joint Economic Committee, and the House Budget Committee. Jeff's strong background in economics and career in academics made him a natural fit for each committee, with a unique skill set for thoroughly briefing and advising members on everything from macroeconomics, to international finance, to Federal debt management.

As a member of the Finance, Banking, and Budget Committees, I have had the opportunity to work closely with Jeff on many issues for more than a decade. When I became ranking member of the Senate Finance Committee at the onset of the 117th Congress, I knew I needed Jeff Wrase on my team. This decision proved invaluable over the next 2 years, as Jeff spent much of his time fighting to protect the pro-growth tax and regulatory changes that had been implemented by the Finance Committee in recent years.

Jeff was instrumental in reducing the scope and damage posed by multiple tax-and-spend packages proposed during the 117th Congress. From arguing before the Senate Parliamentarian about arcane budget rules or helping to educate members or the American people about pitfall-laden policy proposals, Jeff immersed himself in each issue, asking the tough, smart questions about the feasibility, purpose, and practicality of each proposal. He crafted several important pieces of legislation to protect hard-working taxpayers, usually countering edicts and government overreach from the executive branch. One provision would have stricken a directive included in the American Rescue Plan Act that forbids States from using relief funds to provide any form of tax relief. Jeff picked apart the vague, unenforceable nature of the legislation, noting its interference in a State's ability to provide tax relief to citizens to reduce the burden on hard-working families. It was a strong argument, as several lower courts have agreed.

Another Jeff-authored provision proved powerful in pushing back on Internal Revenue Service—IRS—overreach. When the Inflation Reduction Act of 2022 was being debated, a key funding mechanism was to provide the IRS with a bloated, \$80 billion 10-year budget to squeeze more money out of American taxpayers to finance Green New Deal priorities. Jeff knew the estimated revenue from additional enforcement would have to include taxpayers making less than \$400,000 per year, thus breaking a campaign pledge from the Biden administration to not “raise taxes one penny on anyone earning less than \$400,000 a year.” Congress’s non-partisan scorekeepers confirmed that individuals making under that amount would be swept up in new audits, and Jeff crafted legislation to prevent the IRS from using any new funding to increase audits on anyone under that threshold. While the legislation did not pass in a Democrat-controlled Senate, it sent a clear message that the President’s pledge was bound to be broken.

One last example: Jeff may be single-handedly responsible for preventing the IRS from being able to snoop into the bank accounts of every American. Democrats proposed a new bank monitoring scheme to help track inflows and outflows on financial accounts, collecting more data on taxpayers in yet another effort to squeeze more funds out of them. Jeff helped to shine a spotlight on this idea before it could ever even become legislative language. Thanks to an aggressive educational campaign, Americans rightly rejected the idea before it could ever become law.

Even while Jeff was fighting these reconciliation battles, he managed to simultaneously perform diligent oversight of the executive branch, Departments, and Agencies within the committee’s jurisdiction, from the Social Security Administration to the U.S. Department of the Treasury and Internal Revenue Service. Jeff never missed a deadline, and each Agency knew it, whether it was the issuance of the Social Security Trustees Report, the President’s budget, or responding to a letter by the requested deadline.

Jeff’s Senate career stretches beyond the tumultuous years of the 117th Congress, with many accomplishments to count. In 2009, Jeff was working on the Senate Banking Committee when then-President Obama and Senate Democrats undertook an effort to overhaul the U.S. financial regulatory system—or what later became known as the Dodd-Frank Act. During Senate negotiations, Obama administration officials, the Federal Reserve, and the Federal Deposit Insurance Corporation—FDIC—launched an all-out campaign for blanket bailout authority that would have allowed them to bail out large financial institutions and insert greater Federal control over our Nation’s private financial system. Jeff worked to ensure that provisions in Dodd-Frank covering section 13(3) of

the Federal Reserve Act did not allow unfettered bailout authority for unelected government officials, but instead provided a role for Congress and its elected officials if ever the Federal Reserve and others in government acted to battle “unusual and exigent circumstances” and required the Fed to be accountable for whatever emergency activities it pursued during such circumstances. Having those provisions in the Federal Reserve Act to provide a role for Congress and to provide transparency in government turned out to be very valuable when the Fed was called to react to the economic shutdowns accompanying the COVID-19 pandemic.

In 2015, after years of short-term funding patches, Jeff worked to secure critical long-term funding for a bipartisan multiyear highway bill, the Fixing America’s Surface Transportation Act, providing much-needed stability and certainty to our country’s highway and transit programs. That same year, he developed legislative strategy and text for the Social Security provisions of the Bipartisan Budget Act of 2015, which included the most significant changes to Social Security in more than 30 years.

When the coronavirus pandemic shook the world in early 2020, the Senate Finance Committee not only led on tax and health policy responses, but also key provisions to help those who were suddenly out of work, largely due to factors beyond their control. Jeff was instrumental in developing policy to provide much-needed temporary support for American workers impacted by the pandemic. Creating a temporary enhanced unemployment program that could be implemented quickly—and work across all 50 States—was no small feat. Jeff’s work on the unemployment provisions included in the Coronavirus Aid, Relief, and Economic Security Act provided a lifeline to the self-employed, gig workers and other Americans who could not work due to the coronavirus. Jeff remained engaged in implementation and oversight of these provisions in ensuing years, making sure the government acted as a good steward of taxpayer dollars.

The Finance Committee also has jurisdiction over the Federal debt limit, and Jeff has been directly involved in some of the toughest debt ceiling battles over the years. From 2011–2012, Jeff was the chief economist for the Budget Committee and the Finance Committee and successfully helped to prevent the United States from going over a “fiscal cliff” in 2013. While each effort by Congress to increase the debt limit involves contemplating staggeringly higher and higher numbers, Jeff was committed to pushing every administration to be more transparent and provide greater consultation with Congress about their debt management approaches. As conversations about how the United States will continue to pay its bills on time and how we should budget for the future, dominate the

halls of Congress, I expect Jeff is experiencing a bit of *deja vu*. Unfortunately, for Jeff, we know where to find him.

Perhaps most consequential in Jeff’s Finance Committee career is passage of the 2017 Tax Cuts and Jobs Act, the most comprehensive tax overhaul in more than 30 years. This tax reform package delivered on Republicans’ promise of creating and advancing pro-growth policies that lift the economy and build a better future for the American people. It created a tax code based in simplicity and fairness. It lowered rates across the board for all Americans. It ensured businesses of all sizes could better compete, bringing jobs and investment back to our shores. Prior to the pandemic, we were experiencing the strongest economy in many of our lifetimes, in no small part due to this landmark legislation. Jeff played an instrumental role in coordinating between the Budget and Finance Committees while this package came together, and I am not sure we would have succeeded without his prowess using Microsoft Excel, which was—and remains—a mystery to many of his colleagues. Sincerely, because of Jeff and many other’s tireless efforts, tax reform did a lot of good for a great number of people throughout the country.

Jeff has been described by many as “an institution,” not just of the Finance Committee, but of the Senate. He is well-liked and respected by colleagues on both sides of the aisle, and those who have worked with him can attest to his indispensable mentorship, good humor, and friendship. He will be missed in the halls of the Senate, but fortunately, he has not gone far. I thank him for his outstanding counsel and guidance and wish him all the best.

ADDITIONAL STATEMENTS

REMEMBERING KIM HELPER

• Mrs. BLACKBURN. Mr. President, today Tennesseans are mourning the loss of one of our most faithful public servants. On March 20, Williamson County District Attorney General Kim Helper passed away after a brief illness, leaving behind a legacy that prioritized family, community, and the pursuit of justice.

Before she died, Kim dedicated her life to the practice of law. She worked for the Volunteer State for 25 years, rising through the ranks at the State attorney general’s office before her 2008 appointment to the position of district attorney general for the 21st Judicial District. The people of Tennessee were so pleased with the work she was doing that they elected her to the post three times, most recently last year.

When she wasn’t doing her part to keep her community safe, Kim spent time improving it alongside the other members of St. Paul’s Episcopal Church, Lodge No. 41 of the Fraternal Order of Police, the Keep Tennessee

Beautiful Advisory Board, the Williamson County Republican Career Women, the Leadership Franklin Alumni Association, the Tennessee Bar Association, and Beta Sigma Phi Sorority. One can only imagine the heroic effort it took to work through all the obligations on her calendar, but that was the way Kim liked it. She will be dearly missed by all those who benefited from her knowledge and expertise; but in addition to being a model leader, Kim was also an excellent teacher. I look forward to seeing the young professionals she mentored fill the considerable space she has left behind. If they are anything like Kim, we can expect them to do the job with gusto.

On behalf of all Tennesseans, I offer condolences to Kim's husband Gerry, her daughters Abby and Renee, and her many friends and ask my colleagues to pray that the memory of this happiest of warriors will serve as a source of comfort for all who loved her.●

150TH ANNIVERSARY OF BENTONVILLE, ARKANSAS

● Mr. BOOZMAN. Mr. President, I rise today to recognize Bentonville, Arkansas's 150th anniversary.

Founded in 1873, Bentonville has a long and vibrant history. In 1837, a site was designated as the county seat for Benton County. Then in January 1873, residents filed a petition with Benton County to incorporate as the town of Bentonville. On March 28, incorporating documents including a petition, map, and transcripts of the court hearing were certified, and in April, the certified incorporating documents were officially filed with Benton County.

The county and the town, which became the county seat, were named in honor of Senator Thomas Hart Benton, from Missouri, in recognition of his advocacy for westward expansion of the United States that resulted in Arkansas's admission to the Union.

Over the years, this community has grown and flourished, becoming a hub of commerce and culture in the region. It officially became a city in 1905 and was known most for the agricultural activity that characterized its economy and lifestyle. Just a few decades later, its economic footprint began to change. By 1950, Sam Walton had opened the original Walton's 5&10 store on the Bentonville Square and helped transform the city as the company continued grow, expanding its influence both locally and globally.

Bentonville is also home to the stunning Crystal Bridges Art Museum, which houses a world-class collection of American art. The museum's architecture and natural surroundings make it a must-see destination for art lovers throughout the U.S. and around the world.

The Natural State is blessed with over 100,000 miles of streams and rivers, 600,000 acres of lakes, hundreds of miles

of trails, and over 3.2 million acres of public land, and Bentonville is a great example of a community that embodies the opportunity these outdoor amenities hold. The city has become a premiere cycling destination with over 181 miles of dedicated trail across Bentonville and neighboring cities in the county. These paths have become a key cultural and economic driver and represent the strong recreational quality of life that thrives in the region.

Given its rapid growth, I have been proud to work with local leaders and support their efforts to improve infrastructure and allow citizens to enjoy these trails or access the unique opportunities available in the community and throughout Northwest Arkansas.

Congratulations to the entire Bentonville community on the milestone of 150 years and counting. I applaud the City of Bentonville Public Art Advisory Committee members for their hard work and dedication in organizing the celebratory events. They have brought pieces of the past together in a commemorative logo that defines the history, small-town feel and culture that is Bentonville. The State flower of the apple blossom shares the story of the city's history as a one-time top apple producer. I am pleased to see the excitement in recognition of this occasion and wish the community the very best as it continues to grow, help define northwest Arkansas, and serve as wonderful place to live, work, and explore.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Kelly, one of his secretaries.

PRESIDENTIAL MESSAGE

BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2024—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Appropriations; and the Budget:

To the Congress of the United States:

When I took office 2 years ago, COVID-19 was raging and our economy was reeling. Millions of workers had lost their jobs, hundreds of thousands of businesses closed, supply chains were snarled, and schools were still shuttered. Families across the Nation were feeling real pain. But today, 230 million Americans have been vaccinated. We have created a record 12 million jobs, and unemployment is at a more than 50-year low, with near-record lows for Black and Latino work-

ers and women. Wages are rising, inflation is slowing, manufacturing is booming, and our economy is growing. More Americans have health insurance than ever before, and a record 10 million Americans have applied to start a small business—each application an act of hope. Our economic plan for the Nation is working, and American families are starting to have a little more breathing room.

I ran for President to rebuild our economy from the bottom up and middle out, not from the top down—because when the middle class does well, the poor have a ladder up and the wealthy still do well. We all do well. For too long, though, the backbone of America, the middle class, has been hollowed out. Too many American jobs were shipped overseas. Unions were weakened. Once-thriving cities and towns have become shadows of what they were. My economic vision is about investing in those places and people who have been forgotten. That is what we have done in these historic past 2 years.

Together, the Bipartisan Infrastructure Law, CHIPS and Science Act, and Inflation Reduction Act are among the most significant public investments in our Nation's history, expected to draw more than \$3.5 trillion in public and private funding for infrastructure and industries of the future—including clean energy. It is simple: you cannot be the number one economy in the world unless you have the best infrastructure in the world. So we are finally rebuilding our roads, bridges, railways, ports, airports, water systems, and more to keep our people safe, our goods moving, and our economy growing. We have already announced over 20,000 projects and awards, creating tens of thousands of good-paying union jobs while requiring that all construction materials are made in America. Americans everywhere can take pride in seeing shovels in the ground for that work.

Meanwhile, the CHIPS and Science Act is making sure America once again leads the world in developing and manufacturing the semiconductors that power everything from cellphones to cars. The United States invented those chips, and it is time that we make them at home again so our economy never again relies on chips manufactured abroad. Private companies have already pledged \$300 billion in new investments in American manufacturing, many thanks to this law, and they are breaking ground on facilities that will employ tens of thousands of Americans with good jobs and breathe new life into communities across the United States.

At the same time, we are taking on powerful special interests to cut costs for working families—for example, lowering healthcare and prescription drug costs by extending Affordable Care Act subsidies and capping insulin prices and out-of-pocket drug costs for seniors on Medicare. The Inflation Reduction Act also gives Medicare the power

to negotiate drug prices, lowering prices for Americans and saving taxpayers billions of dollars a year. It makes the world's most significant investment in fighting the existential threat of climate change—lowering families' utility bills, building cleaner and more resilient water systems, investing in rural communities, and leading the world to a clean energy economy.

Throughout, we have delivered on our commitment to fiscal responsibility, cutting the deficit by more than \$1.7 trillion in the first 2 years of my Administration—the largest reduction in American history. I have signed into law additional deficit reduction by finally making the wealthy and corporations pay their fair share, including with a new 15 percent minimum tax on billion-dollar corporations, many of which had been paying zero in taxes. We have also stood firm in our commitment to not raise taxes on anyone earning less than \$400,000 a year.

Now, it is time to finish the job, building on the ambitious progress we have made with new investments in America's future. My 2024 Budget is a blue-collar blueprint to rebuild America in a fiscally responsible way that leaves no one behind. The Budget continues lowering costs for families—with new measures to expand health coverage, cap prescription drug costs, invest in quality child care, build affordable housing, reduce home energy bills, make college more affordable, and more. This Budget protects and strengthens Social Security and Medicare—lifelines that tens of millions of seniors have paid into their whole lives with every paycheck so they can retire with dignity. It rejects any cuts to these programs, extends the solvency of the Medicare Trust Fund by at least 25 years, and invests in service delivery so that seniors and people with disabilities can access the benefits they have earned. This Budget also keeps growing our economy by investing in the foundation of its strength: the American people. That means helping families by providing paid family and medical leave and restoring the full Child Tax Credit, which cut child poverty in half in 2021 to the lowest level in history. It means expanding small business loans; standing up for workers and their fundamental right to organize; investing in science and innovation; expanding access to preschool; and improving pathways to community college, career-connected high schools, and other high-quality job training. It also means working hard to make our communities safer, expanding access to mental healthcare, ending cancer as we know it, and much more.

In addition, this Budget cements our commitment to confronting global challenges and keeping America safe. It outlines crucial investments to out-compete China globally and to continue support for Ukraine in the face of unprovoked Russian aggression. It also continues our work to restore Amer-

ica's global leadership—reviving key alliances and partnerships, strengthening our military, fostering democracy and human rights, protecting global health, honoring our veterans, fixing our immigration system at home, and advancing cybersecurity through implementation of the National Cybersecurity Strategy I just signed.

Importantly, my Budget does all of this while lowering deficits by nearly \$3 trillion over the next decade. We more than fully pay for these investments in our future by asking the wealthy and big corporations to pay their fair share. We propose a billionaire minimum tax, requiring the wealthiest Americans to pay at least 25 percent on all of their income, including appreciated assets—because no billionaire should ever pay a lower tax rate than a school teacher or a firefighter. This Budget also proposes quadrupling the tax on corporate stock buybacks, so companies invest more in production to improve quality and lower prices, and less in buybacks that only benefit shareholders and CEOs. This Budget closes tax loopholes for the wealthy and cracks down on tax cheats, and it once again ensures that no one earning less than \$400,000 a year will pay a penny more in new taxes, period.

Today, our Nation is at an inflection point that will determine our future for decades to come. But because of the investments that we have made, the United States of America is better positioned to lead than any Nation on Earth. The Budget reflects our values as a Nation—a Nation of good people, growing in a new age of possibilities, and standing as a beacon to the world. Together, let us put those values into practice and prove that democracy delivers as we keep building a stronger, fairer economy that leaves no one behind.

JOSEPH R. BIDEN, Jr.
THE WHITE HOUSE, March 2023.

MESSAGE FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1107. An act to direct the Secretary of State to take certain actions with respect to the labeling of the People's Republic of China as a developing country, and for other purposes.

H.R. 1154. An act to combat forced organ harvesting and trafficking in persons for purposes of the removal of organs, and for other purposes.

H.R. 1189. An act to require the development of a strategy to eliminate the availability to foreign adversaries of goods and technologies capable of supporting undersea cables, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 15. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers Memorial Service and the National Honor Guard and Pipe Band Exhibition.

The message further announced that pursuant to 22 U.S.C. 2903, and the order of the House of January 9, 2023, the Speaker appoints the following Members on the part of the House of Representatives to the Japan-United States Friendship Commission: Mr. SMITH of Nebraska and Mr. TAKANO of California.

The message also announced that pursuant to 14 U.S.C. 1903(b), and the order of the House of January 9, 2023, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. RUTHERFORD of Florida and Mrs. MCCLAIN of Michigan.

The message further announced that pursuant to 10 U.S.C. 7455(a), and the order of the House of January 9, 2023, the Speaker appoints the following Members on the part of the House of Representatives to the Board of Visitors to the United States Military Academy: Mr. WOMACK of Arkansas and Mr. DAVIDSON of Ohio.

The message also announced that pursuant to section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a), and the order of the House of January 9, 2023, the Speaker appoints the following Member on the part of the House of Representatives to the Migratory Bird Conservation Commission: Mr. WITTMAN of Virginia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1107. An act to direct the Secretary of State to take certain actions with respect to the labeling of the People's Republic of China as a developing country, and for other purposes; to the Committee on Foreign Relations.

H.R. 1154. An act to combat forced organ harvesting and trafficking in persons for purposes of the removal of organs, and for other purposes; to the Committee on Foreign Relations.

H.R. 1189. An act to require the development of a strategy to eliminate the availability to foreign adversaries of goods and technologies capable of supporting undersea cables, and for other purposes; to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-827. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the technical collection for the new Strategic Arms Reduction Treaty (OSS-2023-0281); to the Committee on Foreign Relations.

EC-828. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on

the national emergency that was declared in Executive Order 13694 with respect to significant malicious cyber-enabled activities; to the Committee on Foreign Relations.

EC-829. A communication from the Secretary of the Treasury, transmitting, pursuant to section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, a semi-annual report relative to telecommunications-related payments made to Cuba during the period from July 1, 2022 through December 31, 2022; to the Committee on Foreign Relations.

EC-830. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Determination Under section 7034(I)(5) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (Div. K, P.L. 117-328)"; to the Committee on Foreign Relations.

EC-831. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Determination Under section 7034(I)(5) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023 (Div. K, P.L. 117-328)"; to the Committee on Foreign Relations.

EC-832. A communication from the Interim President and CEO, Inter-American Foundation, transmitting, pursuant to law, the Foundation's FY22 Annual Performance Report (APR) and FY24 Annual Performance Plan (APP) received in the Office of the President pro tempore; to the Committee on Foreign Relations.

EC-833. A communication from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting, pursuant to law, the Department of Labor's fiscal year 2021 Office of Workers' Compensation Programs annual report; to the Committee on Health, Education, Labor, and Pensions.

EC-834. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the Inspector General's Congressional Budget Justification for fiscal year 2024; to the Committee on Health, Education, Labor, and Pensions.

EC-835. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Justification of Budget Estimates Report for fiscal year 2024; to the Committee on Health, Education, Labor, and Pensions.

EC-836. A communication from the Secretary of the Board of Governors, United States Postal Service, transmitting, pursuant to law, the Board's annual report relative to its compliance with Section 3686(c) of the Postal Accountability and Enhancement Act of 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-837. A communication from the Acting Chairman of the United States Merit Systems Protection Board, transmitting, pursuant to law, the report entitled, "Sexual Harassment in the Federal Workplace: Understanding and Addressing the Problem"; to the Committee on Homeland Security and Governmental Affairs.

EC-838. A communication from the Acting Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "U.S. Merit Systems Protection Board Annual Performance Report for FY 2022 and Annual Performance Plan for FY 2023-2024"; to the Committee on Homeland Security and Governmental Affairs.

EC-839. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, a report entitled "Fiscal Year 2022 Financial Report of the United States Government (Financial Report)"; to the Committee on Homeland Security and Governmental Affairs.

EC-840. A communication from the President and CEO, Inter-American Foundation, transmitting, pursuant to law, the Foundation's FY22 Annual Performance Report (APR) and FY24 Annual Performance Plan (APP) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC-841. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's fiscal year 2022 annual report relative to the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC-842. A communication from the Senior Official Performing the Duties of Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, the Annual Performance Plan for fiscal years 2022-2024, and the Annual Performance Report for fiscal years 2022-2024 received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC-843. A communication from the Agency Representative, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Establishing Permanent Electronic Filing for Patent Term Extension Application" (RIN0651-AD59) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on the Judiciary.

EC-844. A communication from the Agency Representative, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Setting and Adjusting Patent Fees During Fiscal Year 2020" (RIN0651-AD31) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on the Judiciary.

EC-845. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal entitled "To clarify the application of the additional fees relating to certain H-1B and L petitions, and for other purposes"; to the Committee on the Judiciary.

EC-846. A communication from the Legal Advisor of the Intellectual Property Enforcement Coordinator, Executive Office of the President, transmitting, pursuant to law, the report of a rule entitled "Freedom of Information and Privacy Act" (RIN0355-AA00) received during adjournment of the Senate in the Office of the President of the Senate on March 20, 2023; to the Committee on the Judiciary.

EC-847. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "The Department of Justice Freedom of Information Act 2022 Litigation and Compliance Report," and the Uniform Resource Locator (URL) for all federal agencies' Freedom of Information Act reports; to the Committee on the Judiciary.

EC-848. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "2020 Annual Report of the National Institute of Justice"; to the Committee on the Judiciary.

EC-849. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the activities of the Department of Justice, Community Relations Service for fiscal year 2021; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WYDEN, from the Committee on Finance:

Special Report entitled "Activities of the Committee on Finance During the 117th Congress" (Rept. No. 118-4).

By Mr. WARNER, from the Select Committee on Intelligence:

Special Report entitled "Report of the Select Committee on Intelligence United States Senate covering the period of January 3, 2021 to January 3, 2023" (Rept. No. 118-5).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. REED for the Committee on Armed Services.

*Nickolas Guertin, of Virginia, to be an Assistant Secretary of the Navy.

*Ronald T. Keohane, of New York, to be an Assistant Secretary of Defense.

Air Force nominations beginning with Brig. Gen. Curtis R. Bass and ending with Brig. Gen. Dale R. White, which nominations were received by the Senate and appeared in the Congressional Record on March 21, 2023.

*Marine Corps nomination of Maj. Gen. Bradford J. Gering, to be Lieutenant General.

*Marine Corps nomination of Maj. Gen. Gregory L. Masiello, to be Lieutenant General.

*Navy nomination of Rear Adm. James P. Downey, to be Vice Admiral.

Mr. REED. Mr. President, for the Committee on Armed Services I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Marine Corps nomination of Daniel T. Turaj, to be Lieutenant Colonel.

By Mr. SANDERS for the Committee on Health, Education, Labor, and Pensions.

*Kalpana Kotagal, of Ohio, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2027.

*Moshe Z. Marvit, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission for a term expiring August 30, 2028.

*Jessica Looman, of Minnesota, to be Administrator of the Wage and Hour Division, Department of Labor.

*Jose Javier Rodriguez, of Florida, to be an Assistant Secretary of Labor.

*Linda A. Puchala, of Maryland, to be Member of the National Mediation Board for a term expiring July 1, 2024.

*Linda A. Puchala, of Maryland, to be Member of the National Mediation Board for a term expiring July 1, 2027.

*Deirdre Hamilton, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2025.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BLACKBURN (for herself, Mr. CASSIDY, Mr. BRAUN, and Mr. SCOTT of South Carolina):

S. 991. A bill to amend the National Labor Relations Act to reform the National Labor Relations Board, the Office of the General Counsel, and the process for appellate review, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRUZ (for himself, Mr. CORNYN, and Mr. LUJAN):

S. 992. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate the Texas and New Mexico portions of the future Interstate-designated segments of the Port-to-Plains Corridor as Interstate Route 27, and for other purposes; to the Committee on Environment and Public Works.

By Ms. CORTEZ MASTO (for herself, Mr. GRASSLEY, Ms. HASSAN, Mr. RISCH, Mrs. SHAHEEN, Mrs. CAPITO, Mr. MARSHALL, and Mr. MANCHIN):

S. 993. A bill to prohibit certain uses of xylazine, and for other purposes; to the Committee on the Judiciary.

By Mr. PETERS (for himself, Mr. CORNYN, Mr. DURBIN, Mr. TILLIS, Ms. KLOBUCHAR, Mr. CRUZ, Mr. BOOKER, Mrs. BLACKBURN, Mr. PADILLA, Mr. BLUMENTHAL, and Mr. OSSOFF):

S. 994. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that COPS grant funds may be used for local law enforcement recruits to attend schools or academies if the recruits agree to serve in precincts of law enforcement agencies in their communities; to the Committee on the Judiciary.

By Mr. RISCH (for himself, Mr. RUBIO, Mr. HAGERTY, Mr. SCOTT of Florida, and Mr. BARRASSO):

S. 995. A bill to promote democracy in Venezuela, and for other purposes; to the Committee on Foreign Relations.

By Mr. BOOKER (for himself and Mr. SCOTT of South Carolina):

S. 996. A bill to amend title XIX of the Social Security Act to establish a demonstration project to improve outpatient clinical care for individuals with sickle cell disease; to the Committee on Finance.

By Mr. THUNE (for himself, Ms. SINEMA, Mr. BOOZMAN, and Mr. KELLY):

S. 997. A bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production; to the Committee on Environment and Public Works.

By Mr. LEE:

S. 998. A bill to require the Assistant Secretary of Commerce for Communications and Information to audit Federal spectrum; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE:

S. 999. A bill to require the National Telecommunications and Information Adminis-

tration to estimate the value of electromagnetic spectrum assigned or otherwise allocated to Federal entities; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself and Mr. TILLIS):

S. 1000. A bill to amend title XVIII of the Social Security Act to improve the accuracy of market-based Medicare payment for clinical diagnostic laboratory services, to reduce administrative burdens in the collection of data, and for other purposes; to the Committee on Finance.

By Mr. DAINES (for himself and Ms. CORTEZ MASTO):

S. 1001. A bill to amend the Internal Revenue Code of 1986 to permanently extend the exemption for telehealth services from certain high deductible health plan rules; to the Committee on Finance.

By Mr. CASSIDY (for himself and Mr. MERKLEY):

S. 1002. A bill to amend title XVIII of the Social Security Act to improve risk adjustment under Medicare Advantage; to the Committee on Finance.

By Mr. RISCH (for himself, Ms. ROSEN, Mr. HOEVEN, Mr. CRAPO, Mrs. CAPITO, Ms. CORTEZ MASTO, and Ms. MURKOWSKI):

S. 1003. A bill to modify the Federal and State Technology Partnership Program of the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BRAUN (for himself, Ms. SINEMA, Ms. WARREN, Mr. HAWLEY, Mr. VAN HOLLEN, Mr. COONS, Mr. KAINE, and Mr. MENENDEZ):

S. 1004. A bill to amend the Higher Education Act of 1965 to eliminate origination fees on Federal Direct loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself, Ms. COLLINS, Mr. COONS, and Mrs. SHAHEEN):

S. 1005. A bill to amend the Energy Conservation and Production Act to improve the weatherization assistance program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BLUMENTHAL:

S. 1006. A bill to direct the Secretary of State to submit to Congress a report on implementation of the advanced capabilities pillar of the trilateral security partnership between Australia, the United Kingdom, and the United States; to the Committee on Foreign Relations.

By Mr. MARKEY (for himself, Mr. CARDIN, Mrs. FEINSTEIN, Mr. HICKENLOOPER, Ms. BALDWIN, Mr. WHITEHOUSE, Ms. STABENOW, Mr. CARPER, Ms. SMITH, Ms. HASSAN, Ms. CANTWELL, Mr. KAINE, Mr. MURPHY, Mr. MENENDEZ, Mr. WELCH, Mr. VAN HOLLEN, Mr. KELLY, Mr. SANDERS, Mr. PADILLA, Mrs. MURRAY, Ms. KLOBUCHAR, and Mrs. SHAHEEN):

S. 1007. A bill to establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTQI+ Peoples, and for other purposes; to the Committee on Foreign Relations.

By Mrs. GILLIBRAND (for herself and Mr. SCHUMER):

S. 1008. A bill to require the Consumer Product Safety Commission to promulgate a consumer product safety standard with respect to rechargeable lithium-ion batteries used in micromobility devices, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BRAUN (for himself, Mrs. BLACKBURN, and Mr. VAN HOLLEN):

S. 1009. A bill to authorize the posthumous honorary promotion to general of Lieutenant

General Frank Maxwell Andrews, United States Army; to the Committee on Armed Services.

By Mr. BRAUN:

S. 1010. A bill to authorize the honorary promotion of Master Sergeant Harold B. Pharis, United States Army (retired), to Sergeant Major; to the Committee on Armed Services.

By Mr. BRAUN (for himself and Ms. ERNST):

S. 1011. A bill to require an annual report of Federal employees and retirees with delinquent tax debt; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BRAUN (for himself and Mr. CARPER):

S. 1012. A bill to authorize Offices of Inspectors General to continue operations during a lapse in appropriations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRAHAM (for himself and Mr. SCOTT of South Carolina):

S. 1013. A bill to prohibit the use of Federal funds to close or realign the Marine Corps Recruit Depot located at Parris Island, South Carolina; to the Committee on Armed Services.

By Mrs. GILLIBRAND (for herself and Ms. COLLINS):

S. 1014. A bill to require the Secretary of Agriculture to initiate hearings to review Federal milk marketing orders relating to pricing of Class I skim milk, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KELLY (for himself and Ms. SINEMA):

S. 1015. A bill to require the Secretary of Agriculture to convey the Pleasant Valley Ranger District Administrative Site to Gila County, Arizona; to the Committee on Energy and Natural Resources.

By Mr. HEINRICH (for himself, Mrs. GILLIBRAND, Mr. WELCH, Ms. SMITH, Mr. BLUMENTHAL, Mr. BOOKER, Mr. MURPHY, Ms. BALDWIN, Mr. MARKEY, and Mr. SANDERS):

S. 1016. A bill to address the impact of climate change on agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY:

S. 1017. A bill to amend title IX of the Education Amendments of 1972 to ensure due process in grievance proceedings; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARSHALL (for himself, Mrs. BLACKBURN, Mr. BRAUN, Ms. ERNST, Mr. CRAMER, and Mr. SCOTT of Florida):

S. 1018. A bill to extend the statute of limitations for fraud by individuals under the COVID-19 unemployment programs; to the Committee on Finance.

By Mr. CRUZ:

S. 1019. A bill to provide for the imposition of sanctions with respect to certain officials of Argentina; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MERKLEY (for himself and Mr. SULLIVAN):

S. Res. 126. A resolution recognizing the vital importance of the Mekong River to Southeast Asia and the role of the Mekong-United States Partnership in supporting the prosperity of the region; to the Committee on Foreign Relations.

By Mr. HAWLEY:

S. Res. 127. A resolution condemning the horrific school shooting at The Covenant School in Nashville, Tennessee, as a hate crime, and recognizing the victims and expressing condolences to their families; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself and Mr. GRAHAM):

S. Res. 128. A resolution condemning the Russian Federation's kidnapping of Ukrainian children; to the Committee on Foreign Relations.

By Mr. SCHUMER (for Mrs. FEINSTEIN (for herself, Ms. COLLINS, Ms. CORTEZ MASTO, Mr. BARRASSO, Ms. CANTWELL, Mrs. CAPITO, Ms. HASSAN, Mrs. HYDE-SMITH, Mr. MARKEY, Mrs. FISCHER, Mr. MENENDEZ, Mr. REED, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. COONS, Mr. PADILLA, Ms. HIRONO, Mr. DURBIN, Mr. BENNET, Mr. KING, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Ms. SMITH, Ms. STABENOW, Mr. CARDIN, Mr. BROWN, Ms. SINEMA, Ms. WARREN, Mr. CASEY, Mr. CARPER, Mr. WELCH, Mr. KELLY, Ms. ROSEN, Mr. LUJÁN, Mr. HEINRICH, Ms. BALDWIN, Mr. WYDEN, Mr. WARNOCK, Mrs. SHAHEEN, Mrs. MURRAY, Mr. PETERS, Mr. WARNER, Mr. BOOKER, Mr. VAN HOLLEN, Ms. DUCKWORTH, Mr. MURPHY, Mr. FETTERMAN, Mr. SANDERS, Mr. KAINE, and Mrs. GILLIBRAND)):

S. Res. 129. A resolution designating March 2023 as "National Women's History Month"; considered and agreed to.

By Mr. BRAUN (for himself and Mr. BLUMENTHAL):

S. Res. 130. A resolution supporting the designation of the week of April 17 to April 21, 2023, as "National Work Zone Awareness Week"; considered and agreed to.

By Mr. PADILLA:

S. Res. 131. A resolution authorizing the Sergeant at Arms and Doorkeeper of the Senate to conduct a blood donation drive on March 30, 2023; considered and agreed to.

By Mr. SCHUMER (for himself and Mr. MCCONNELL):

S. Res. 132. A resolution to authorize testimony and representation in United States v. Grillo; considered and agreed to.

ADDITIONAL COSPONSORS

S. 90

At the request of Ms. CANTWELL, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 90, a bill to require the disclosure of a camera or recording capability in certain internet-connected devices.

S. 112

At the request of Mr. BRAUN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 112, a bill to amend title 38, United States Code, to strengthen benefits for children of Vietnam veterans born with spina bifida, and for other purposes.

S. 130

At the request of Mr. THUNE, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 130, a bill to amend the Rural Electrification Act of 1936 to reauthorize and improve the ReConnect loan and grant program, and for other purposes.

S. 141

At the request of Mr. MORAN, the name of the Senator from Arkansas

(Mr. BOOZMAN) was added as a cosponsor of S. 141, a bill to amend title 38, United States Code, to improve certain programs of the Department of Veterans Affairs for home and community based services for veterans, and for other purposes.

S. 260

At the request of Mr. BROWN, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 260, a bill to amend title XVIII of the Social Security Act to permit nurse practitioners and physician assistants to satisfy the documentation requirement under the Medicare program for coverage of certain shoes for individuals with diabetes.

S. 269

At the request of Mr. BOOKER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 269, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to fully protect the safety of children and the environment, to remove dangerous pesticides from use, and for other purposes.

S. 271

At the request of Mr. BOOKER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 271, a bill to place a moratorium on large concentrated animal feeding operations, to strengthen the Packers and Stockyards Act, 1921, to require country of origin labeling on beef, pork, and dairy products, and for other purposes.

S. 295

At the request of Mr. YOUNG, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. 295, a bill to grant certain authorities to the President to combat economic coercion by foreign adversaries, and for other purposes.

S. 305

At the request of Mr. BLUMENTHAL, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Tennessee (Mrs. BLACKBURN) were added as cosponsors of S. 305, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the United States Marine Corps, and to support programs at the Marine Corps Heritage Center.

S. 316

At the request of Mr. KAINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 316, a bill to repeal the authorizations for use of military force against Iraq.

S. 323

At the request of Ms. HIRONO, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 323, a bill to ensure the privacy of pregnancy termination or loss information under the HIPAA privacy regulations and the HITECH Act.

S. 349

At the request of Mr. LANKFORD, the names of the Senator from Florida (Mr.

SCOTT) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 349, a bill to amend title 5, United States Code, to authorize the appointment of spouses of members of the Armed Forces who are on active duty, disabled, or deceased to positions in which the spouses will work remotely.

S. 378

At the request of Mr. SULLIVAN, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 378, a bill to amend the Camp Lejeune Justice Act of 2022 to appropriately limit attorney's fees.

S. 443

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 443, a bill to treat certain liquidations of new motor vehicle inventory as qualified liquidations of LIFO inventory for purposes of the Internal Revenue Code of 1986.

S. 444

At the request of Mr. JOHNSON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 444, a bill to require any convention, agreement, or other international instrument on pandemic prevention, preparedness, and response reached by the World Health Assembly to be subject to Senate ratification.

S. 479

At the request of Mr. PADILLA, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from New Mexico (Mr. LUJÁN) were added as cosponsors of S. 479, a bill to modify the fire management assistance cost share, and for other purposes.

S. 526

At the request of Mr. WICKER, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 526, a bill to strengthen the use of patient-experience data within the benefit-risk framework for approval of new drugs.

S. 597

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 597, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 610

At the request of Ms. SINEMA, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 610, a bill to amend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes.

S. 613

At the request of Mr. TUBERVILLE, the name of the Senator from Nebraska (Mr. RICKETTS) was added as a cosponsor of S. 613, a bill to provide that for purposes of determining compliance with title IX of the Education Amendments of 1972 in athletics, sex shall be recognized based solely on a person's

reproductive biology and genetics at birth.

S. 628

At the request of Mr. CASSIDY, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 628, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of direct primary care service arrangements as medical care, to provide that such arrangements do not disqualify deductible health savings account contributions, and for other purposes.

S. 639

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 639, a bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes.

S. 658

At the request of Mr. BOOKER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 658, a bill to amend the Food Security Act of 1985 to make adjustments to the environmental quality incentives program, and for other purposes.

S. 775

At the request of Ms. HASSAN, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 775, a bill to provide for increased transparency in generic drug applications.

S. 780

At the request of Mr. PAUL, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 780, a bill to require the Comptroller General of the United States to analyze certain legislation in order to prevent duplication of and overlap with existing Federal programs, offices, and initiatives.

S. 800

At the request of Mr. BLUMENTHAL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 800, a bill to amend the Internal Revenue Code of 1986 to impose a higher rate of tax on bonuses and profits from sales of stock received by executives employed by failing banks that were closed and for which the Federal Deposit Insurance Corporation has been appointed as conservator or receiver.

S. 870

At the request of Mr. PETERS, the names of the Senator from South Dakota (Mr. ROUNDS), the Senator from Maine (Mr. KING), the Senator from Alaska (Mr. SULLIVAN), the Senator from Montana (Mr. TESTER) and the Senator from Arizona (Ms. SINEMA) were added as cosponsors of S. 870, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs.

S. 908

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Mr.

SULLIVAN) was added as a cosponsor of S. 908, a bill to oppose the provision of assistance to the People's Republic of China by the multilateral development banks.

S.J. RES. 22

At the request of Mr. CASSIDY, the names of the Senator from Ohio (Mr. VANCE) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S.J. Res. 22, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to "Waivers and Modifications of Federal Student Loans".

S. CON. RES. 2

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Con. Res. 2, a concurrent resolution commending the bravery, courage, and resolve of the women and men of Iran demonstrating in more than 133 cities and risking their safety to speak out against the Iranian regime's human rights abuses.

S. RES. 72

At the request of Mr. RISCH, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. Res. 72, a resolution recognizing Russian actions in Ukraine as a genocide.

S. RES. 74

At the request of Mr. WYDEN, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. Res. 74, a resolution condemning the Government of Iran's state-sponsored persecution of the Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 97

At the request of Mr. RISCH, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. Res. 97, a resolution expressing concern about economic and security conditions in Mexico and reaffirming the interest of the United States in mutually beneficial relations with Mexico based on shared interests on security, economic prosperity, and democratic values, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself, Ms. SINEMA, Mr. BOOZMAN, and Mr. KELLY):

S. 997. A bill to amend the Clean Air Act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production; to the Committee on Environment and Public Works.

Mr. THUNE. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Livestock Regulatory Protection Act of 2023".

SEC. 2. PROHIBITION ON PERMITTING CERTAIN EMISSIONS FROM AGRICULTURAL PRODUCTION.

Section 502(f) of the Clean Air Act (42 U.S.C. 7661a(f)) is amended—

(1) by redesignating paragraphs (1) through (3) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) in the undesignated matter following clause (iii) (as so redesignated), by striking "Approval of" and inserting the following:

"(B) NO RELIEF OF OBLIGATION.—Approval of";

(3) by striking the subsection designation and heading and all that follows through "No partial" in the matter preceding clause (i) (as so redesignated) and inserting the following:

"(f) PROHIBITIONS.—

"(1) PARTIAL PERMIT PROGRAMS.—

"(A) IN GENERAL.—No partial"; and

(4) by adding at the end the following:

"(2) CERTAIN EMISSIONS FROM AGRICULTURAL PRODUCTION.—No permit shall be issued under a permit program under this title for any carbon dioxide, nitrogen oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.".

By Mr. REED (for himself, Ms. COLLINS, Mr. COONS, and Mrs. SHAHEEN):

S. 1005. A bill to amend the Energy Conservation and Production Act to improve the weatherization assistance program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REED. Madam President, today I am introducing the Weatherization Assistance Program Improvements Act, along with Senators COLLINS, COONS, and SHAHEEN. Our bipartisan bill will make critical updates to ensure this important program can effectively serve even more households across the country.

Since 1976, the Weatherization Assistance Program has helped more than 7.4 million low-income households reduce their energy bills by making their homes more energy efficient. The Department of Energy estimates that these upgrades help each household save \$372 in energy bills annually. Those energy savings free up limited financial resources for essentials, like groceries and medicine.

In addition to traditional services like attic and wall insulation, the program also provides services that help with home health and safety measures, such as installing smoke and carbon monoxide detectors. Energy efficient homes also help cut down on our carbon footprint, reducing the greenhouse gas emissions that cause climate change.

An independent study of the Weatherization Assistance Program by Oak Ridge National Laboratory found that children in weatherized households miss less school, improving educational outcomes. Adults miss less

work, increasing both their own incomes and their contributions to the economy. Families also reported experiencing fewer flu and cold symptoms and emergency room visits, decreasing costly medical expenses.

The Weatherization Assistance Program also helps boost our economy. The program supports over 8,500 jobs for energy experts and contractors, while increasing our national economic output by \$1.2 billion.

The program is a win-win for all involved. That is why, as a member of the Senate Appropriations Committee, I have led my colleagues in supporting strong funding for it every year. And that is why I am introducing this bill—to ensure it continues to work for years to come.

This bill will help expand the program to many more low-income households that are currently unable to receive weatherization services because their homes need minor structural repairs before then can be weatherized. The bill will authorize a Weatherization Readiness Fund to repair structural issues and prepare homes for weatherization assistance, increasing the number of homes the program is able to serve.

At the same time, it will raise the amount of funding allowed to be spent on each home to keep up with current labor and material costs, and it will raise the cap on the amount of funding allowed to be spent on renewable energy upgrades in each home. These provisions are essential updates to a program that has helped so many families over the past few decades.

I urge my colleagues to join us in supporting this commonsense legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 126—RECOGNIZING THE VITAL IMPORTANCE OF THE MEKONG RIVER TO SOUTHEAST ASIA AND THE ROLE OF THE MEKONG-UNITED STATES PARTNERSHIP IN SUPPORTING THE PROSPERITY OF THE REGION

Mr. MERKLEY (for himself and Mr. SULLIVAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 126

Whereas the Mekong River supports the livelihoods of approximately 60,000,000 people, making it the most important river in Southeast Asia and one of the most important rivers in the world;

Whereas the Mekong-United States Partnership, comprising the United States, Burma, Cambodia, Laos, Thailand, and Vietnam, and the predecessor of that partnership, the Lower Mekong Initiative, have contributed greatly to the economic, social, and human resources development of the countries in the Mekong River Basin and the protection of the Mekong River;

Whereas the United States has long-standing diplomatic relations with the coun-

tries in the Mekong River Basin, including a nearly 200-year-old relationship with treaty ally Thailand;

Whereas the development of the countries in the Mekong River Basin is critical for the unity, economic strength, and institutional development of the Association of Southeast Asian Nations, a strategic partner of the United States;

Whereas the Mekong River is increasingly imperiled by the threats from worsening and extreme changes in the environment, coupled with the construction of upstream dams that have altered the natural flow of the river and vital ecological processes supported by natural flow;

Whereas, since 2019, the flow of water in the Mekong River during the wet season has been abnormally low;

Whereas the Nuozhadu and Xiaowan Dams in China account for more than 50 percent of the water storage of all dams in the Mekong River Basin and can restrict up to 10 percent of the total wet season flow of the Mekong River, exacerbating drought conditions downstream;

Whereas the Mekong River Commission is an integral partner in ensuring the long-term health of the Mekong River;

Whereas the Ayeyawady-Chao Phraya-Mekong Economic Cooperation Strategy can be a leader in supporting river development and protection;

Whereas the Mekong Dam Monitor, funded partly by the Mekong-United States Partnership, has provided essential data and information about the impacts of hydropower dams along the Mekong River to the people and governments of the Mekong River Basin to allow them to prepare for irregular water flows and mitigate the economic and environmental impacts of those flows;

Whereas the Mekong River has become a hub for criminal elements to traffic in drugs, people, and wildlife, undermining the rule of law in the countries in the Mekong River Basin and impacting the world through the proliferation of illegal drugs and fauna that can cause spillover of zoonotic diseases;

Whereas the international community has committed to support the development of countries along the Mekong River through internationally recognized development goals;

Whereas the Friends of the Mekong, which includes the countries in the Mekong River Basin, the United States, Australia, the European Union, Japan, New Zealand, the Republic of Korea, the Asian Development Bank, the Mekong River Commission Secretariat, and the World Bank, is committed to supporting the shared principles that have underpinned peace and prosperity across the Indo-Pacific for decades;

Whereas close coordination and collaboration with civil society groups throughout the Mekong River Basin is essential to the protection of the Mekong River;

Whereas, among the countries in the Mekong River Basin, there has been a negative trend toward the detention and detainment of civil society actors and journalists and an increase in violations of human rights;

Whereas the February 1, 2021, military coup in Burma was illegal and unjustified and has resulted in more than 2,000 deaths, more than 1,000,000 people displaced, and tens of thousands of people in detention, and continued violence threatens the stability of the entire region, especially those countries along the borders of Burma; and

Whereas diaspora communities from countries in the Mekong River Basin are a vital part of the United States and help build thriving people-to-people ties between those countries and the United States that lead to

strong commercial, civil society, and cultural ties: Now, therefore, be it

Resolved, That the Senate—

(1) expresses sincere concern over the environmental, economic, and humanitarian threats to the Mekong River and the communities of the Mekong River and continued support to counter those threats; and

(2) declares it is the policy of the United States Government to—

(A) through the Mekong-United States Partnership and the Friends of the Mekong, promote the economic and environmental well-being of the people of Mainland Southeast Asia in the 5 countries through which the Mekong River flows, namely, Burma, Cambodia, Laos, Thailand, and Vietnam;

(B) support a whole-of-government approach in providing and coordinating Federal aid and assistance throughout the Mekong River Basin under the Mekong-United States Partnership, including programmatic support provided by the Department of State, the United States Agency for International Development, and other Federal agencies;

(C) contribute to the development of quality infrastructure, the development of national electricity markets, cross-border energy trade, the facilitation of cross-border transport, clean energy acceleration and deployment, the development of micro, small, and medium enterprises, agriculture, transportation, the facilitation of trade and investment, strengthened subregional production linkages and supply chains, digital infrastructure, and the digital economy in the Mekong River Basin;

(D) promote engagement and buy-in of the United States private sector to support inclusive economic growth, resilience, global health, education, and long-term development in the region;

(E) leverage the expertise of the United States, Japan, the Republic of Korea, Australia, and other partners in high-quality infrastructure to support the economic development needs of the countries in the Mekong River Basin;

(F) support the development of quality infrastructure, including through projects financed by the United States International Development Finance Corporation, as appropriate, in the countries in the Mekong River Basin;

(G) encourage all members of the Association of Southeast Asian Nations to view the environmental, humanitarian, and economic threats to the Mekong River as a danger to the entire region;

(H) promote effective water use policies, natural resources management, and environmental conservation and protection, including—

(i) through support for a technically sound, well-coordinated, and consensus-based approach to managing the shared resources of the Mekong River Basin;

(ii) through support for environmental conservation, protection, and resilience in the Mekong subregion; and

(iii) by enhancing the capacity of countries in the Mekong River Basin in the sustainable conservation and management of natural resources, including fishery resources, for sustainable food security;

(I) continue the important work that provides vital data and monitoring to the people and governments of the Mekong River;

(J) support the development of the capacity of the region to respond to a variety of threats, including countering transnational crime such as trafficking of drugs, wildlife, timber, and persons, and criminal activity associated with illegal, unreported and unregulated fishing, and to improve health security, including emergency preparedness and response for pandemics and epidemics,

cybersecurity, and disaster response and preparedness and humanitarian assistance and disaster relief;

(K) promote the development of human capital through education, medical and public health partnerships, vocational training, youth empowerment, women's economic empowerment, gender equality, university cooperation, and educational and professional exchanges;

(L) work together with countries in the Mekong River Basin to combat pollution, over fishing, natural resource degradation, and the effects that changes in the global climate systems are having on the Mekong River, and the communities that depend on the river, and to support the abilities of such communities to adapt and build resilience capacities of those countries;

(M) encourage all countries in the Mekong River Basin to provide timely early warning for natural and unnatural operations of the river;

(N) support freedom of expression in the countries in the Mekong River Basin through promoting independent journalism and the freedom to access information;

(O) continue to call for the cessation of violence in Burma and support the return of Burma to a path of inclusive democracy, so that it can fully contribute to regional development;

(P) prioritize the strengthening of people-to-people ties through United States exchange programs such as the Fulbright Program, the Peace Corps, the International Visitors Leadership Program, and the Young Southeast Asian Leaders Initiative Program, including the Young Southeast Asian Leaders Initiative Academy at Fulbright University Vietnam; and

(Q) recognize that strong democratic institutions, the promotion and protection of fundamental freedoms, independent civil society, and free and fair elections are central to implementing the shared vision of a Mekong River region, and an Indo-Pacific region, that is free, open, secure, and prosperous.

SENATE RESOLUTION 127—CONDEMNING THE HORRIFIC SCHOOL SHOOTING AT THE COVENANT SCHOOL IN NASHVILLE, TENNESSEE, AS A HATE CRIME, AND RECOGNIZING THE VICTIMS AND EXPRESSING CONDOLENCES TO THEIR FAMILIES

Mr. HAWLEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 127

Whereas, on March 27, 2023, a deranged individual tragically and violently opened fire at The Covenant School, a religious institution in Nashville, Tennessee, that is part of the Covenant Presbyterian Church;

Whereas this heinous act resulted in the death of 3 innocent students, namely Evelyn Dieckhaus, Hallie Scruggs, and William Kinney;

Whereas 3 dedicated school employees, Cynthia Peak, Katherine Koonce, and Michael Hill, also tragically lost their lives in the line of duty;

Whereas Federal law explicitly prohibits violence against people of the United States on the basis of religious affiliation or belief;

Whereas this reprehensible act of violence targeted a Christian institution, its students, and its employees;

Whereas the Senate acknowledges and honors the bravery and sacrifice of the first responders, law enforcement officers, and medical personnel who responded to this tragic event;

Whereas the Senate extends its deepest condolences to the families, friends, and loved ones of the victims and the entire community of The Covenant School; and

Whereas the Senate recognizes that the United States must continue to work to prevent hate crimes, protect religious liberties, and ensure the safety and security of all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the horrific act of violence that occurred at The Covenant School in Nashville, Tennessee, on March 27, 2023, and recognizes it as a hate crime targeting Christians;

(2) honors the memory of the victims, Evelyn Dieckhaus, Hallie Scruggs, William Kinney, Cynthia Peak, Katherine Koonce, and Michael Hill, and extends its heartfelt condolences to their families, friends, and the entire community of The Covenant School;

(3) expresses gratitude and appreciation for the bravery and selflessness displayed by the first responders, law enforcement officers, and medical personnel who responded to the tragic event;

(4) calls on all people of the United States—

(A) to unite in the face of such hatred and violence; and

(B) to stand in solidarity with those who have been affected by this tragedy;

(5) condemns hateful rhetoric that leads to violence; and

(6) reaffirms its commitment to uphold the values of tolerance, religious freedom, and justice for all, as enshrined in the Constitution of the United States.

SENATE RESOLUTION 128—CONDEMNING THE RUSSIAN FEDERATION'S KIDNAPPING OF UKRAINIAN CHILDREN

Ms. KLOBUCHAR (for herself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 128

Whereas on February 24, 2022, the Russian Federation invaded the sovereign State of Ukraine in violation of international law;

Whereas Russian troops have since committed horrendous atrocities and human rights violations;

Whereas as of March 2023, research indicates that agents of the Government of the Russian Federation have kidnapped and removed at least 6,000 innocent children from their homes in Ukraine, and have likely kidnapped tens of thousands more Ukrainian children;

Whereas United States officials have indicated that more than 1,800 children were taken from Russian-controlled areas of Ukraine to Russia during July 2022;

Whereas the Government of the Russian Federation continues to provide false information about these children to parents and international nongovernmental organizations and human rights observers, including claiming the children have no parents or family;

Whereas Russian authorities have loosened adoption laws to allow Russian families to more easily take custody of kidnapped Ukrainian children;

Whereas Russian authorities provide additional funds to Russian families housing kidnapped Ukrainian children and force kidnapped Ukrainian children to become Russian citizens;

Whereas this practice is in direct contradiction to any standard of reasonableness and civility;

Whereas this practice is associated with dictators who pose a threat to humanity, world peace, and human rights;

Whereas the International Criminal Court—

(1) has opened war crimes cases over the abductions and re-education of Ukrainian children; and

(2) has issued an arrest warrant for President Vladimir Putin; and

Whereas children worldwide should be protected against all forms of neglect, cruelty, and exploitation: Now, therefore, be it

Resolved, That Congress—

(1) condemns, in the strongest possible terms, the Russian Federation's abduction of innocent children from their families in Ukraine and the relocation of such children to reeducation camps, where they are indoctrinated, abused, and exploited;

(2) rebukes every other nation that provides aid and support to the Russian Federation's kidnapping enterprise;

(3) condemns forced adoptions of Ukrainian children by Russian citizens contrary to international intercountry adoption norms and the Convention on the Civil Aspects of International Child Abduction, done at The Hague, October 25, 1980 (TIAS 11670); and

(4) implores the Russian Federation to work with international human rights and children welfare organizations to ensure the return of Ukrainian children to their home country at the earliest available opportunity.

SENATE RESOLUTION 129—DESIGNATING MARCH 2023 AS "NATIONAL WOMEN'S HISTORY MONTH"

Mr. SCHUMER (for Mrs. FEINSTEIN (for herself, Ms. COLLINS, Ms. CORTEZ MASTO, Mr. BARRASSO, Ms. CANTWELL, Mrs. CAPITO, Ms. HASSAN, Mrs. HYDE-SMITH, Mr. MARKEY, Mrs. FISCHER, Mr. MENENDEZ, Mr. REED, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. COONS, Mr. PADILLA, Ms. HIRONO, Mr. DURBIN, Mr. BENNET, Mr. KING, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Ms. SMITH, Ms. STABENOW, Mr. CARDIN, Mr. BROWN, Ms. SINEMA, Ms. WARREN, Mr. CASEY, Mr. CARPER, Mr. WELCH, Mr. KELLY, Ms. ROSEN, Mr. LUJÁN, Mr. HEINRICH, Ms. BALDWIN, Mr. WYDEN, Mr. WARNOCK, Mrs. SHAHEEN, Mrs. MURRAY, Mr. PETERS, Mr. WARNER, Mr. BOOKER, Mr. VAN HOLLEN, Ms. DUCKWORTH, Mr. MURPHY, Mr. FETTERMAN, Mr. SANDERS, Mr. KAINE, and Mrs. GILLIBRAND)) submitted the following resolution; which was considered and agreed to:

S. RES. 129

Whereas National Women's History Month recognizes and spreads awareness of the importance of women in the history of the United States;

Whereas, throughout the history of the United States, whether in the home, in the workplace, in schools, in the courts, or during wartime, women have fought for themselves, their families, and all people of the United States;

Whereas, even from the early days of the history of the United States, Abigail Adams urged her husband to "Remember the Ladies" when representatives met for the Continental Congress in 1776;

Whereas women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in the United States;

Whereas women led the efforts to secure suffrage and equal opportunities for women, and also served in the abolitionist movement, the emancipation movement, labor movements, civil rights movements, and other causes to create a more fair and just society for all;

Whereas suffragists wrote, marched, were arrested, and ultimately succeeded in achieving—

(1) the ratification of the 19th Amendment to the Constitution of the United States, which provides, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex”; and

(2) the enactment of the Voting Rights Act of 1965 (52 U.S.C. 10301 et seq.), which extended the protection of the right to vote to women of color and language minorities;

Whereas women have been and continue to be leaders in the forefront of social change efforts, business, science, government, math, art, literature, music, film, athletics, and other fields;

Whereas women now represent approximately half of the workforce of the United States;

Whereas women once were routinely barred from attending medical schools in the United States, but now are enrolling in medical schools in the United States at higher numbers than men;

Whereas women previously were turned away from law school, but now represent approximately half of law students in the United States;

Whereas, since the American Revolution, women have been vital to the mission of the Armed Forces, with more than 200,000 women serving on active duty and 2,000,000 women veterans representing every branch of service;

Whereas more than 10,000,000 women own businesses in the United States;

Whereas Jeannette Rankin of Montana was the first woman elected to the House of Representatives in 1916 and Hattie Wyatt Caraway of Arkansas was the first woman elected to the United States Senate in 1932;

Whereas Margaret Chase Smith of Maine was the first woman to serve in both Houses of Congress;

Whereas, in 2023, a record total of 154 women are serving in Congress, including 129 women in the House of Representatives and 25 women in the Senate;

Whereas President Jimmy Carter recognized March 2 through March 8, 1980, as “National Women’s History Week”;

Whereas, in 1987, a bipartisan group of Senators introduced the first joint resolution to pass Congress designating “Women’s History Month”;

Whereas, in 1987, President Ronald Reagan issued a Presidential proclamation proclaiming March 1987 as “Women’s History Month”;

Whereas, in 2020, Congress passed the Smithsonian American Women’s History Museum Act (20 U.S.C. 80t et seq.) to establish a national women’s history museum on or near the National Mall in Washington, DC; and

Whereas, despite the advancements of women in the United States, much remains to be done to ensure that women realize their full potential as equal members of society in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2023 as “National Women’s History Month”;

(2) recognizes the celebration of National Women’s History Month as a time to reflect on the many notable contributions that women have made to the United States; and

(3) urges the people of the United States to observe National Women’s History Month with appropriate programs and activities.

SENATE RESOLUTION 130—SUPPORTING THE DESIGNATION OF THE WEEK OF APRIL 17 TO APRIL 21, 2023, AS “NATIONAL WORK ZONE AWARENESS WEEK”

Mr. BRAUN (for himself and Mr. BLUMENTHAL) submitted the following resolution; which was considered and agreed to:

S. RES. 130

Whereas 857 work zone fatalities occurred in 2020, according to the Federal Highway Administration (referred to in this preamble as “FHWA”) and the National Highway Traffic Safety Administration, under the Department of Transportation (referred to in this preamble as “DOT”);

Whereas, of the 857 work zone fatalities that occurred in 2020—

(1) 680 fatalities were motor vehicle drivers or passengers;

(2) 170 fatalities were persons on foot or bicyclists; and

(3) 7 fatalities were listed as occupants of a motor vehicle not in transport, unknown occupant type in a motor vehicle in transport, or device and person on personal conveyances;

Whereas, according to DOT data from 2020 on work zone fatal traffic crashes by type—

(1) 156 crashes involved a rear-end collision; and

(2) 287 fatalities occurred where speeding was a factor;

Whereas 156 pedestrian fatalities occurred in work zones in 2020, according to DOT data; Whereas, of the 156 pedestrian fatalities that occurred in work zones in 2020—

(1) 51 fatalities were a construction, maintenance, utility, or transportation worker; and

(2) 105 fatalities were pedestrians other than a construction, maintenance, utility, or transportation worker;

Whereas the DOT reported that 44,240 people were injured due to work zone crashes in 2020;

Whereas, according to the FHWA, while work zones play a critical role in maintaining and upgrading our roads, work zones can also be a major cause of congestion, delay, and traveler dissatisfaction;

Whereas, according to the Federal Motor Carrier Safety Administration, trucks and buses have limited maneuverability and large blind spots that make operating in work zone areas more challenging, leading to a disproportionate number of work zone crashes involving trucks and buses;

Whereas enforcement of work zone speed limits is shown to significantly reduce speeding, aggressive driving, fatalities, and injuries;

Whereas work zone crashes and fatalities deeply impact family, friends, and communities;

Whereas being under the influence of intoxicating substances while being behind the wheel of a motor vehicle increases the likelihood of intrusions into work zones; and

Whereas work zone fatalities are at the highest level since 2006: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of April 17 to April 21, 2023, as “National Work Zone Awareness Week”;

(2) encourages individuals to educate themselves on the value of training and the importance of best practices in regard to work zone safety;

(3) encourages individuals to practice work zone safety by—

(A) researching their routes ahead of time to avoid work zones when possible;

(B) avoiding distractions while driving;

(C) obeying road crew flaggers and being aware of and obeying all signage throughout work zones that indicate reduced speeds, lane changes, and other vital information;

(D) slowing down when entering a work zone and being vigilant of road workers;

(E) merging into an open lane when instructed to do so when lane closures are present and slowing down and merging over for first responders;

(F) maintaining a space cushion when driving behind other vehicles to avoid rear end crashes; and

(G) providing towing and recovery professionals room to facilitate the process of clearing crashes;

(4) encourages infrastructure owners and operators to deploy work zone protections and technologies such as the Work Zone Data Exchange to make travel on public roads safer for workers and road users; and

(5) supports the goals and ideals of a “National Work Zone Awareness Week” to bring further awareness to worker and driver safety while maneuvering a motor vehicle in work zones.

SENATE RESOLUTION 131—AUTHORIZING THE SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE TO CONDUCT A BLOOD DONATION DRIVE ON MARCH 30, 2023

Mr. PADILLA submitted the following resolution; which was considered and agreed to:

S. RES. 131

Resolved,

SECTION 1. SENATE BLOOD DONATION DRIVE ON MARCH 30, 2023.

(a) AUTHORIZATION.—In addition to blood donation drives conducted under Senate Resolution 78 (118th Congress), agreed to February 16, 2023, the Sergeant at Arms and Doorkeeper of the Senate, in conjunction with the American Red Cross, is authorized to conduct a blood donation drive from 9 a.m. to 3 p.m. on March 30, 2023, in room 902 of the Philip A. Hart Senate Office Building.

(b) IMPLEMENTATION.—Physical preparations for the conduct of, and the implementation of, the blood donation drive authorized under subsection (a) shall be carried out in accordance with such conditions as the Sergeant at Arms and Doorkeeper of the Senate, in consultation with the Committee on Rules and Administration of the Senate, may prescribe.

SENATE RESOLUTION 132—TO AUTHORIZE TESTIMONY AND REPRESENTATION IN UNITED STATES V. GRILLO

Mr. SCHUMER (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 132

Whereas, in the case of *United States v. Grillo*, Cr. No. 21-690 (D.D.C.), pending in the United States District Court for the District of Columbia, the prosecution has requested

the production of testimony from Daniel Schwager, a former employee of the Office of the Secretary of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current and former officers and employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Daniel Schwager, a former employee of the Office of the Secretary of the Senate, is authorized to provide relevant testimony in the case of *United States v. Grillo*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Mr. Schwager, and any current or former officer or employee of the Secretary's office, in connection with the production of evidence authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 56. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 56. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 316, to repeal the authorizations for use of military force against Iraq; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. RULE OF CONSTRUCTION REGARDING ABILITY TO RESPOND TO ATTACKS AND DESTABILIZING MALIGN TACTICS OF NATION STATES, VIOLENT EXTREMIST ORGANIZATIONS, AND FOREIGN TERRORIST ORGANIZATIONS.

Nothing in this Act shall be construed to prevent the United States from appropriately responding to attacks or the destabilizing malign tactics of—

(1) nation states, such as Iran, the Democratic People's Republic of Korea, the Russian Federation, or the People's Republic of China;

(2) violent extremist organizations; or

(3) foreign terrorist organizations (as defined in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)).

AUTHORITY FOR COMMITTEES TO MEET

Mr. BENNET. Madam President, I have nine requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet in open and closed sessions during the session of the Senate on Tuesday, March 28, 2023, at 9:30 a.m., to conduct a hearing.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, March 28, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, March 28, 2023, at 10:30 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet in executive session during the session of the Senate on Tuesday, March 28, 2023, at 12 p.m.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, March 28, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON RULES AND ADMINISTRATION

The Committee on Rules and Administration is authorized to meet during the session of the Senate on Tuesday, March 28, 2023, at 3 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, March 28, 2023, at 2:30 p.m., to conduct a closed business meeting and a closed briefing.

SUBCOMMITTEE ON SEAPOWER

The Subcommittee on Seapower of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, March 28, 2023, at 2:30 p.m., to conduct a hearing.

SUBCOMMITTEE ON STRATEGIC FORCES

The Subcommittee on Strategic Forces of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, March 28, 2023, at 4:45 p.m., to conduct a hearing.

ORDERS FOR WEDNESDAY, MARCH 29, 2023

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Wednesday, March 29; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate resume consideration of Calendar No. 25, S. 316, postcloture; further, that at 11:30 a.m., all postcloture time be considered expired, the pending amendment be withdrawn, no further amendments or motions be in order to the bill, the bill be considered read a third time, and the Senate vote on passage of S. 316; that following disposition of the bill, the Senate vote on the motion to invoke cloture on the motion to proceed to Calendar No. 28, S. 870; finally, that there be 2 minutes, equally divided, prior to each rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. For the information of the Senate, we hope to line up additional rollcall votes during Wednesday's session.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. SHAHEEN. If there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:20 p.m., adjourned until Wednesday, March 29, 2023, at 10 a.m.